

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Implementation of the Twenty-First Century Communications and Video
Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals

Comments of Perkins School for the Blind

CG Docket No. 10-210

II. BACKGROUND

5. On May 21, 2015, we extended the pilot program for one additional year, until June 30, 2016. The Commission commits to continue the pilot NDBEDP as long as necessary to ensure a seamless transition between the pilot and permanent programs to ensure the uninterrupted distribution of equipment to this target population. When the Commission adopts final rules for the permanent program it will consider the extent to which the pilot program needs to be extended further. We invite comment on the need to extend the pilot program beyond June 30, 2016.

Response:

We believe extending the pilot until June 30, 2016 should be sufficient time to issue final rules, and that the permanent program should commence on July 1, 2016.

6. In establishing a permanent NDBEDP, we also seek comment on performance goals for all elements of the program along with performance measures that are clearly linked to each performance goal. Specifically, we propose the following goals: (1) ensuring that the program effectively increases access to covered services by the target population; (2) ensuring that the program is administered efficiently; and (3) ensuring that the program is cost-effective. We believe that clear performance goals and measures will enable the Commission to determine whether the program is being used for its intended purpose and whether the funding for the program is accomplishing the intended results. To the extent that these proposed goals or other goals that commenters may propose may be in tension with each other, commenters should suggest how we should prioritize or balance them. We invite comment on what performance measures we should adopt to support these proposed goals, and whether we should adopt measures based on the information that certified programs are required to report to the Commission. We also seek comment on ways to manage and share data to track our progress in meeting these goals. Finally, we propose to periodically review whether we are making progress in addressing these goals by measuring the specific outcomes.

Response:

We endorse the idea of establishing performance goals and measures. We believe however that in order to establish **meaningful** performance goals and measures and analyze trends, the current data elements need to change because they are insufficient. For example, we believe it is critical to collect data with respect to whether or not the consumer uses braille as a primary reading medium because this data has a profound impact on equipment costs. Similarly, the age of a consumer may impact training times as could a consumer's preferred language. Currently, certified programs are not required to report these data elements to the FCC. This information would help in determining the "cost effectiveness" of the program.

The data currently reported to the FCC emphasizes dates and deliverables, the number of days between equipment ordering and consumer receipt. This may not be the best measure of program efficiency. Factors like coordinating trainers and consumer schedules, and locating interpreter and/or support service providers influence the number of days required until completion. It is more a measure of resource availability than efficiency.

Perkins has reported data summaries and trends to the FCC based upon the information collected in the database we use and vend to other certified state programs that choose to use it. We recommend the Commission consider establishing a national database that will collect the data required to do trend analysis and meaningful performance measurement per certified entity, and for the program as a whole. More specifically, we recommend the FCC adjust the description of the data it requires to be reported from the certified programs to allow for best use and analysis of this information. While state programs should submit actual (not summarized) data, the database should gather data that enables summaries in the aggregate.

We suggest the following categories as examples of data that should be collected, correlated and analyzed for any given time-frame, including year by year, and cumulative:

- Data to analyze comparison of services in urban, municipal and rural areas
- Consumers:
 - Number of active consumers
 - Number of consumers who received assessments
 - Number of consumers who received equipment
 - Number of consumers who received training
 - Consumers by age
 - Consumers by gender
 - Consumers by language
 - Number of consumers who identify ASL as their primary language
 - Trending of native Spanish language users
 - Trending of other languages specified
 - Consumers using braille - by age group
 - Level of braille fluency
 - Trending of increase/decrease in number of consumers using braille
- Assessment Hours
 - Number of consumers receiving assessments
 - Average assessment duration
 - Average assessment cost
- Equipment
 - Number of consumers who received equipment
 - Number of items distributed, parsed by:
 - Hardware, software, accessories, braille devices
 - Equipment cost per consumer, parsed by:
 - Maximum, average, median
 - Equipment requests, parsed by percentage of:
 - Augmentative communication devices
 - Hardware warranties
 - Computers and laptops

- Tablets
 - Phones: mobile, amplified, captioned, TTY's
 - Equipment costs, parsed by percentage of overall equipment costs, for:
 - Braille multipurpose devices
 - Computers and laptops
 - Magnifiers
 - Tablets
 - Braille displays
 - Software
 - Screen reading
 - Magnification
 - Signalers
 - Mobile phones
 - Mobile devices
 - OCR solutions
 - Primary vendors by dollar amount and/or volume
- Training
 - Number of consumers trained
 - Average number of training hours per consumer
 - Average training costs per consumer

III. PROGRAM STRUCTURE

A. Certified Programs

9. After reviewing the record, we propose to retain the current structure of the NDBEDP, certifying one entity to be responsible for the administration of the program, distribution of equipment, and provision of related services within each of the states and territories covered by the NDBEDP. Based on the comments received and our own experiences with the pilot program, we believe that the localized approach that has been in place for almost three years has been successful in meeting the needs of eligible low-income individuals who are deaf-blind. Specifically, we believe that state entities are more likely to be familiar with their unique demographics and their available resources, and consequently are in a better position to respond to the localized needs of their residents. Additionally, although we acknowledge the concerns of those who argue for greater efficiencies and expanded capabilities in a nationalized program, as we discuss below, we believe that such results can be achieved through a centralized database for reporting and reimbursement and through greater support for training, without having to restructure the program from a state-based to a national system. We seek comment on this approach.

Response:

We concur that a centralized database and greater support for train-the-trainer will benefit state programs, and that consumers are best served by in-state resources when possible. Further, Perkins has found, through its certification in multiple states, that partnering with in-state resources actually encourages local partnerships and participation with organizations and individuals for whom other program requirements would be prohibitive to their participation.

10. Thus far, 10 of the 53 state programs have relinquished their certifications, requiring the Commission to seek replacements in those states. Some commenters express concern that the current structure exposes the NDBEDP to the risk of additional entities leaving the program. We recognize that some adjustments have had to be made during the pilot program, a result that was not unexpected given that the NDBEDP is an entirely new program. However, on balance, we believe that the success of NDBEDP, as evidenced by the delivery of equipment and services to thousands of deaf-blind individuals, shows that the system has been working well. Nonetheless, to help reduce the incidence of program departures, as discussed in detail below, this *Notice* proposes the establishment of a centralized database to facilitate the filing of reimbursement claims and semi-annual reports to the Commission, which we expect will ease some of the administrative program burdens for certified programs. In addition, to minimize the risk of a lapse in service to deaf-blind individuals that might result during any future transitions from one certified state program to another, we propose that a certified program seeking to relinquish its certification provide written notice to the Commission at least 90 days in advance of its intent to do so. Further, we propose that such entities be required to transfer NDBEDP-purchased equipment, information, files, and other data to the newly-certified entity in its state within 30 days after the effective date of its certification to ensure a smooth transition and reduce any potential for a lapse in service. Finally, we propose requiring that all entities relinquishing their certifications comply with NDBEDP requirements necessary for the ongoing functioning of the program that they are exiting, including the submission of final reimbursement claims and six-month reports. We seek comment on these proposals, as well as other steps that we should take to reduce the number of entities that relinquish their certifications and measures we should adopt to minimize the impact on consumers when this occurs.

Response:

We agree a certified program seeking to relinquish its certification must provide the Commission with minimum notice of 90 days.

Perkins has been awarded several state certifications where the relinquishing certified entity was prohibited by state or other governing law and policies from sharing any consumer data with us. Such situations seriously impact the ability to continue and increase service in those states: it disincentivizes consumers' participation; and damages the credibility of the program. We strongly recommend that the ability to share data with a successor program be mandated as part of the criteria used to evaluate an entity's qualifications for certification, as referenced in par. 14.

We recommend that the FCC consider certifying the successor program for five years from date of it becoming certified. This would create a staggered schedule for program certifications.

11. For the pilot program, the Bureau selected entities to participate in the NDBEDP that were located within and outside of the states that they served. Currently, of the 53 certified programs, 33 are administered by entities located within the states they serve and 20 are administered by entities located outside those states. For all but three of these 20 programs, the out-of-state entity selected was the sole applicant. Perkins urges the Commission to maintain this flexible approach, which allows the Bureau to award certification to entities to operate in one state or multiple states. Perkins explains that it has a collaborative relationship with local partners in the states where it is certified, and that having it provide services to multiple states is a viable solution for those states that do not have their own in-state resources to administer the NDBEDP. Collaborative relationships with in-state partners seem to be key, not only to satisfy criteria for certification, but also to retain the advantages of administering the NDBEDP through state programs. For the reasons offered by Perkins, we propose to continue allowing qualified out-of-state entities, in addition to in-state entities, to apply for certification to administer the NDBEDP, in collaboration with individuals or entities within or outside of their states or territories. We believe that this flexible approach assists those states that may not have sufficient resources on their own to provide the services required by the NDBEDP. We seek comment on this proposal and any alternatives that would ensure that the NDBEDP is able to serve the residents of each state.

Response:

As noted in par. 10, our experience continues to demonstrate that allowing qualified out-of-state certified entities enables the participation of qualified entities that could not otherwise assume the full responsibilities of certification to contribute their expertise to the state program.

The state partner model encourages and facilitates local collaborations between agencies and other service providers. Allowing entities to be certified in more than one state program provides consistent management and economies of scale that can facilitate group buys on equipment and outreach.

12. The *NDBEDP Pilot Program Order* authorized the NDBEDP to operate in each of the 50 states, plus the District of Columbia, Puerto Rico, and the U.S. Virgin Islands, noting that each of these jurisdictions administered an intrastate TRS program. The Commission reached this result because, like the TRS state programs, the NDBEDP certified programs are supported by the TRS Fund. One commenter urges that NDBEDP funding be extended to the U.S. territories of American Samoa, Guam, and the Northern Mariana Islands. Because residents of these three U.S. territories are also eligible to make and receive calls through one or more forms of relay services that are supported by the TRS Fund, we propose to expand the operation of the NDBEDP to these jurisdictions. We seek comment on this proposal, particularly from interested stakeholders who reside in these three territories, including entities that provide services to deaf-blind individuals.

Response:

We ask the Commission to consider whether three certified entities would be needed. If the current allocation calculation is used, at least \$50,000 times three certified entities would have financial implications for the program that we ask the Commission to weigh.

B. Certification Criteria

13. Pursuant to the Commission's rules, the Bureau reviews applications and determines whether to grant NDBEDP certification based on the ability of a program to meet the following qualifications, either directly or in coordination with other programs or entities, as evidenced in the application and any supplemental materials, including letters of recommendation:

- (i) Expertise in the field of deaf-blindness, including familiarity with the culture and etiquette of people who are deaf-blind, to ensure that equipment distribution and the provision of related services occurs in a manner that is relevant and useful to consumers who are deaf-blind;**
- (ii) The ability to communicate effectively with people who are deaf-blind (for training and other purposes), by among other things, using sign language, providing materials in Braille, ensuring that information made available online is accessible, and using other assistive technologies and methods to achieve effective communication;**
- (iii) Staffing and facilities sufficient to administer the program, including the ability to distribute equipment and provide related services to eligible individuals throughout the state, including those in remote areas;**
- (iv) Experience with the distribution of specialized [customer premises equipment], especially to people who are deaf-blind;**
- (v) Experience in how to train users on how to use the equipment and how to set up the equipment for its effective use; and**
- (vi) Familiarity with the telecommunications, Internet access, and advanced communications services that will be used with the distributed equipment.**

In the *Permanent NDBEDP PN*, the Bureau sought comment on whether we should change any of these criteria.

14. We propose to retain the above criteria to evaluate an entity's qualifications for certification as a state program. Commenters generally support the continued use of these criteria, and we believe, based on our experience with the pilot program, that the expertise and experience these criteria require have been effective in informing the Bureau's selection of qualified entities to operate the state programs. We seek comment on this proposal.

Response:

As noted in par. 10, we strongly recommend that the ability to share consumer data with a successor program be mandated as part of the criteria used to evaluate an entity's qualifications for certification.

16. We recognize that the scope of knowledge, skills, and abilities of program staff should reflect the breadth and diversity within the deaf-blind community. As noted above, our program selection criteria already include a requirement for state programs to “have expertise in the field of deaf-blindness, including familiarity with the culture and etiquette of people who are deaf-blind,” and to “have the ability to communicate effectively with people who are deaf-blind for training and other purposes.” Nevertheless, in response to the input received, we seek comment on how we can supplement this criteria to better ensure that certified programs serve the full spectrum of individuals who are deaf-blind in the permanent program. Should we establish minimum standards for the personnel providing services in these programs? For example, should individuals providing service have certain levels of linguistic competency? We ask commenters to describe any difficulties they have experienced securing equipment or services from their state’s certified program resulting from a lack of expertise in deaf-blindness or communications skills, and to be specific in recommending changes that may be necessary in the Commission’s certification criteria to reduce these difficulties.

Response:

It has been our experience that consumers who are eligible to receive services through the NDBEDP are a very diverse group. While a portion are American Sign Language users, an equally large portion prefer spoken English. Trainers experienced in braille devices are required for a subset of consumers while trainers with expertise in magnification and screen readers are required by others. We believe that the current criteria is adequate to ensure that certified programs serve the full spectrum of individuals who are deaf-blind in the program. The problem is not with regard to the criteria; rather the problem is that there is a critical shortage of trainers in certain parts of the country. Even if support for train-the-trainer is implemented in the permanent program, critical mass will not likely be immediately achieved, and the numbers are likely to be regularly in flux, so we think it would be counter-productive to further limit this pool.

17. Commenters also propose that applicants for NDBEDP certification demonstrate the ability to administer a statewide program, the capacity to manage the financial requirements of a state program, expertise in assistive technology, and experience with equipment distribution. We seek comment on the addition of certification criteria that address these capabilities. In particular, we propose to add administrative and financial management experience to the requirements for certification. We seek comment on this proposal. Should applicants also be required to demonstrate that they are capable of operating a statewide program or that they follow standard financial principles? To what extent would such requirements strengthen the NDBEDP? For example, would these reduce the likelihood of selected entities relinquishing their certification before completion of their terms? Conversely, would requiring such skills exclude too many otherwise qualified applicants? Finally, we seek comment on any other criteria that should be added to ensure the selection of certified entities that will be both responsive to the deaf-blind community’s needs and capable of achieving full compliance with the Commission’s NDBEDP rules.

Response:

In our role managing national outreach and providing services in many states, Perkins has worked with several certified entities that did not have the necessary infrastructure to support managing their state's NDBEDP. Several of these programs have subsequently given up their certification.

The entity must have the ability (not be restricted by state laws or policies) to transfer data in the event that they give up their certification, as referenced in par. 10.

18. Finally, under the NDBEDP pilot program, the Commission prohibited certified programs from accepting financial arrangements from a vendor that could incentivize the purchase of particular equipment. We continue to believe that such incentives could impede a certified program's ability to provide equipment that fully meets the unique needs of the deaf-blind persons it is serving. In addition to this rule, we also requested that applicants for NDBEDP certification disclose in their initial certification application and thereafter, as necessary, any actual or potential conflicts of interest with manufacturers or providers of equipment that may be distributed under the NDBEDP. We propose to require such disclosures in applications for initial and continued certification under the permanent NDBEDP. To the extent that financial arrangements in which the applicant is a part create the risk of impeding the applicant's objectivity in the distribution of equipment or compliance with NDBEDP requirements – such as when the applicant is partially or wholly owned by an equipment manufacturer or vendor – we propose that the Commission reject such applicant for NDBEDP certification. We seek comment on this proposal.

Response:

We agree that certified entities should not accept any financial arrangements with vendors that could incentivize the purchase of particular equipment.

We believe it is important to distinguish between certified entities' vendor relationships, and those of individual service providers. For example, Perkins uses independent contractors in many states to provide both assessment and training services. Because these individuals are independent contractors they may also do work for vendors. We require that independent contractors sign an affidavit that either states they have no vendor affiliation, or discloses any such relationships and the specific equipment with which they are associated. We have instituted a review process that will flag if those individuals with vendor affiliations recommend consumer equipment related to that vendor. Given the shortage of qualified technology trainers, we could not afford to exclude individuals who may also do contract work for vendors. We believe that the control measures we have put in place safeguard the best interests of the consumer and the program.

C. Duration of Certification

19. At present, all NDBEDP programs are certified for the duration of the pilot program. By comparison, under the Commission's TRS rules, states are certified by the Commission to operate their own TRS programs for a period of five years, after which they must seek renewal of their certification. In the *Permanent NDBEDP PN*, the Bureau sought comment on whether this certification period would be appropriate for NDBEDP certified programs and, if not, what would be an appropriate period, and why.

20. The vast majority of parties who commented on this issue support a five-year certification period. Commenters assert that "[r]enewal of certification on a regular basis allows for a review of a certified entity's relationship and progress with the program," an opportunity "to verify that the entity is still qualified," and improved program accountability. We see merit in these arguments and are concerned that a shorter certification period of two or three years would result in an unnecessary administrative burden on the state programs. For these reasons, we propose that NDBEDP programs be certified for a period of five years, and seek comment on this proposal. We seek comment on alternative timeframes other than five years including shorter timeframes. We also ask about the pros and cons of opening the window up earlier than every five years.

Response:

We agree that five years is a reasonable time period for program certification.

21. Finally, in the event that a certified program decides not to seek re-certification at the end of its five-year term, we propose requiring that such entities transfer NDBEDP-purchased equipment, information, files, and other data to the newly-certified entity in its state within 30 days after the effective date of certification of the new entity to ensure a smooth transition and reduce any potential for a lapse in service. This is consistent with our proposal to require the transfer of such materials when a certified program relinquishes its certification during its five-year term.

Response:

This is a reasonable request. We note that it's appropriate for state programs seeking to relinquish their certification to provide 90-day advance notification. We clarify that NDBEDP-purchased equipment in this context does not relate to consumer equipment that has already been distributed.

D. Certification Renewals

23. Because the permanent NDBEDP may have some rule modifications, we believe that it is appropriate to require each such entity to demonstrate its ability to meet all of our selection criteria anew, and to affirm its commitment to comply with all Commission rules governing the permanent program. Accordingly, we propose requiring that each entity certified under the pilot program re-apply for certification or notify the Commission of its intent not to participate under the permanent program within 30 days after the effective date of the permanent rules. We seek comment on this proposal. Alternatively, should we require each entity to certify that it continues to satisfy all current certification criteria that we retain under the permanent NDBEDP, to demonstrate its ability to meet any new criteria we may establish, and to affirm its commitment to comply with the permanent NDBEDP rules that we adopt? In addition, we propose to permit other entities to apply for certification as the sole authorized entity for a state to distribute equipment under the NDBEDP during the 30-day time period following the effective date of the permanent rules. We seek comment on this proposal.

Response:

This seems reasonable.

24. Consistent with our requirements for TRS providers, we propose to require each state program, once certified, to report any substantive change to its program within 60 days of when such change occurs. We propose that substantive changes include those that might bear on the qualifications of the entity to meet our criteria for certification, such as changes in its ability to distribute equipment across its state or significant changes in its staff and facilities. We seek comment on this proposal and the types of substantive changes that should trigger such notice to the Commission. We also seek comment on the extent to which this requirement would help to ensure that programs continue to meet our criteria for certification when substantial changes are made.

Response:

This seems reasonable. However, entities that take on a vendor relationship/role should be required to notify the FCC immediately/in advance as this would probably make them unqualified to maintain their certification.

25. Finally, we propose that one year prior to the expiration of each five-year certification period, a certified program intending to stay in the NDBEDP be required to request renewal of its certification by submitting to the Commission an application with sufficient detail to demonstrate its continued ability to meet all criteria required for certification, either directly or in coordination with other programs or entities. This approach is consistent with the TRS certification rules for state TRS providers. We seek comment on this proposal. In addition, we propose to permit other entities to apply for certification as the sole authorized entity for a state to distribute equipment under the NDBEDP one year prior to the

expiration of a certified entity's five-year certification period. We seek comment on this proposal.

Response:

This seems reasonable. We ask the Commission to consider how state programs should be notified if a competing bid for its certification is submitted one year prior to the conclusion of its five-year certification.

E. Notifying Consumers about State Program Changes

26. Under the pilot program rules, the Commission may suspend or revoke a certification if it determines that such certification is no longer warranted after notice and opportunity for hearing. We seek comment on whether, in place of an opportunity for an administrative hearing, there are alternatives that would provide programs an opportunity to be heard, such as a reasonable time to present views or objections to the Commission in writing before suspension or decertification. Our interest in finding an alternative stems from our concern that a requirement for a hearing could unintentionally result in eligible residents being denied equipment pending this administrative action. Would providing a program with reasonable time to present its views and objections to the Commission in writing satisfy due process requirements and enable the Commission to take action without undue delay?

Response:

We agree that every effort must be made to ensure the least amount of interruption of service to consumers. The Commission should publish (and keep current as cases occur) specific conditions that would incur a decertification. We do not believe an administrative hearing is necessary and that giving the program reasonable time, 10 business days, to present its views in writing would provide programs adequate opportunity to be heard.

27. ACB suggests that the Commission publicly post information regarding the removal of an entity's certification in order to make consumers "aware of such a situation. It further asserts that "all current consumers should be notified" when another entity is selected to replace the decertified entity. The Commission has not initiated any decertification proceedings under the pilot program. When state programs have voluntarily relinquished their certifications, the Bureau has released public notices to invite applications to replace these entities, has selected replacements after careful review of the applications received, and has released a second public notice announcing the newly-certified entities. In addition to releasing such public notices, should the Commission, as ACB suggests, take other measures to notify consumers in the affected states when a certified entity exits the program and a replacement is selected? For example, should we require the formerly certified entity to notify consumers in their states who received equipment or who have applied to receive equipment about the

newly-certified entity? We seek comment on how best to ensure that consumers are aware when these changes are made to their state NDBEDP programs.

Response:

The relinquishing entity should be required to notify its consumers of the new certified entity and contact information.

F. NDBEDP Centralized Database for Reporting and Reimbursement

30. We propose that a centralized national database be created to assist state programs in the generation of their reports to the Commission, to enable the submission of those reports electronically to the NDBEDP Administrator, and to allow for the aggregation and analysis of nationwide data on the NDBEDP. Commenters generally support the creation of such a database, with many suggesting that this is likely to lead to the more efficient generation of state reports. To ensure that all of the information collected can be aggregated and analyzed for the effective and efficient operation of the NDBEDP, we further propose that, if we adopt this approach, all certified programs be required to use the centralized database for their reporting obligations. We believe that requiring certified programs to submit data uniformly through a web-based interface provided by a centralized database will allow the Commission to identify program trends that will enable improved oversight and implementation of the NDBEDP. We seek comment on these proposals. Do NDBEDP stakeholders agree that these advantages would accrue from utilizing a centralized database? We also seek comment generally on the costs and any other benefits or disadvantages that would be associated with both the establishment and maintenance of such a database. Further, we seek comment on any lessons learned from other experiences setting up databases and whether a centralized database could be used for other purposes or programs.

Response:

Reference par. 6 for comments related to the types of data the Commission should be authorized to collect in order to enable analysis of nationwide data and program efficiencies. As previously stated, we endorse a national database. Additionally, we emphasize the importance of providing adequate end-user documentation and training in accessible formats, which must be included as part of the budget and implementation timeline criteria. We further recommend that industry-standard change management processes be put in place and adequately coordinated with certified programs.

31. Because the data needed to generate the required reports and reimbursement claims overlap, we also propose that the centralized database be available to assist state programs in generating their reimbursement claims for submission to the TRS Fund Administrator. We seek comment on this proposal. Many commenters suggest that use of a centralized database to generate reimbursement claims is likely to lead to faster reimbursement. Does this reflect the experience of other entities seeking reimbursement, and would having the

centralized database available to generate reimbursement claims benefit state programs in other ways? We note that the TRS Fund Administrator is currently able to aggregate reimbursement claim data, even in the absence of a centralized database. For this reason, we propose to enable and permit, but not require, certified programs to use the centralized database to generate reimbursement claims. Alternatively, would requiring all certified programs to use the centralized database for their claims make the process of aggregating reimbursement claim data more efficient? Could reimbursement claim data be transmitted electronically from the centralized database to the TRS Fund Administrator, along with the necessary supporting documentation? We seek comment on the costs and benefits of utilizing the centralized database to facilitate the creation of reimbursement claims, as well as the best approach for utilizing this database to ensure the effective and efficient oversight of the permanent NDBEDP.

Response:

We favor permitting but not requiring certified programs to generate reimbursement claims. Agencies like Perkins have financial accounting systems for their entire agency into which NDBEDP programs must be integrated. It will be critical that data from the national database can be easily integrated with states' financial accounting systems.

It seems that transmitting reimbursement claim data electronically from the centralized database to the TRS Fund Administrator, along with the necessary supporting documentation, would be difficult to achieve. Supporting documentation for reimbursement is stored outside the database. Scanning all of this documentation would be labor intensive and might actually create more work for certified programs rather than less.

32. We also seek comment about the type of data that state programs should be required to input into a centralized database. In order for state programs to generate reimbursement claims under the pilot NDBEDP, they must submit the costs of equipment and related expenses; assessments; equipment installation and consumer training; loaner equipment; state outreach efforts; and program administration. Should this same data be entered into the database? Are there other types of data that should be populated into the database for the purpose of generating reimbursement claims? Similarly, what data should be input by state programs to the database to effectively generate reports about state program activities? Under our current rules, state programs must report to the Commission information about equipment recipients and the people attesting that those individuals are deaf-blind; the equipment distributed; the cost, time and other resources allocated to various activities; the amount of time between assessment and equipment delivery; the types of state outreach undertaken; the nature of equipment upgrades; a summary of equipment requests denied and complaints received; and the number of qualified applicants on waiting lists to receive equipment. To the extent that the Commission continues requiring that such data be reported in the permanent NDBEDP, should certified programs be required to input all of this data into the centralized database?

Response:

Reference par. 6.

33. Should certain data be excluded from the centralized database, and if so, why? For example, would it be more appropriate for state programs to maintain records of names and addresses of their equipment recipients, along with the identity of the people who attest that those recipients are deaf-blind, rather than put this information into a centralized location, because of privacy concerns? Should individuals who receive equipment instead be given a unique identifying number, which could be entered into the database in lieu of their names and other personally identifiable information? Additionally, we note that, according to Perkins, there are a few certified programs that may be prohibited by state regulation from storing data out of state. We seek comment on whether these prohibitions would prevent the input of the types of data described above – or any other related types of data – into a centralized database, and whether there are any other reasons that any of the currently certified programs would not be able to comply with requirements for the submission of such data into a centralized system. What are the costs and benefits of gathering the categories of information listed above?

Response:

We think having certified programs manage two separate ways to record data is burdensome and likely to lead to errors. We believe that the national database could be structured so that authorized users have designated and limited permission to access data thereby eliminating the need to keep consumer information in a separate database. Ref. more detail in par. 34.

34. We propose to permit the NDBEDP Administrator and other appropriate FCC staff to search this database and generate reports to analyze nationwide data on the NDBEDP, and seek comment on this proposal. To what extent should a certified program also be permitted access to the database to execute searches of data that it did not input into the database? For example, if we permit entry of data on deaf-blind individuals receiving equipment, should a certified program be permitted to conduct a search to determine whether the applicant is receiving equipment and services from another state? Similarly, should a certified program be permitted to access the database to determine the types of equipment being distributed by other states or the length of time typically used for assessments and training by other certified programs? We note that in the TRS context, access to a soon-to-be-formed user registration database will be restricted to TRS providers only for the purposes set forth in the *VRS Reform Order*, such as determining whether information in the database on registered users is correct. Similarly, we propose that access to the NDBEDP centralized database be limited to authorized entities, and be permitted only under tightly controlled conditions. We seek comment on who such entities should be and under what conditions they should be permitted such access, to ensure the privacy and confidentiality of financial and other sensitive information about consumers that may be entered into the database. We propose that the database administrator be tasked with establishing procedures, protocols, and other safeguards, such as password

protection and encryption, to ensure database access is in fact restricted according to the Commission's guidelines. We seek comment on this approach, and the extent to which the NDBEDP Administrator should be given some discretion to determine when entities other than the Administrator or FCC staff can access the database.

Response:

We agree that access to the NDBEDP centralized database should be limited to authorized entities, and be permitted only under tightly controlled conditions. We are very concerned about protecting consumer privacy. Individuals submit confidential medical and financial information when they apply to the program. Also trainers and assessors enter personal information about consumers after an assessment and each training session. We think that specific consumer-related information should only be available to people who work directly with the consumer and/or manage the state program. Of course, the NDBEDP Administrator and other FCC staff should have access to consumer information to the extent the information is necessary to ensure compliance with applicable requirements.

Other certified programs should only have access to non-consumer related data, e.g., types of equipment, and rolled-up, aggregate information about time/costs for assessments and trainings, number distributed for types of equipment (e.g. braille displays, etc.).

We recommend that the database be constructed in such a way that if a person with the same name and date of birth who was already registered in a state appeared as a new registrant in a different state that the system could automatically flag that entry for extra scrutiny.

35. Decisions regarding information to be included in a centralized database used for administration of the program and the individuals who may be granted access to the database can raise questions regarding compliance with Government-wide statutory and regulatory guidance with respect to privacy issues and the use of information technology, e.g., the Privacy Act of 1974 and Federal Information Security Management Act of 2002. Parties commenting on the centralized database should ensure that their recommendations are consistent with Government-wide privacy and information technology statutory and regulatory guidance.

36. Based on its experience providing database services for 32 certified programs, Perkins estimates that the cost of establishing and maintaining an NDBEDP centralized database will be between 3-4% of the \$9.5 million annual allocation available to certified programs under the pilot program, or between \$285,000 and \$380,000 annually. We seek comment on whether this amount of funding will be sufficient to perform the proposed functions of the database, and whether there will be start-up costs that result in higher costs during the first year of the database's operations. Based on Perkins's estimate, we further propose, if necessary, to authorize the Bureau to set aside funding for the NDBEDP database in an amount not exceed to \$380,000 per year from the NDBEDP's annual

allocation for the development of the database during the last year of the pilot program, to enable the implementation of the database functions for the permanent NDBEDP in a timely manner. If this approach is adopted, certified programs now paying to use an existing database, the costs of which are currently assessed against their 15% cap on administrative costs, would no longer need to do so. At the same time, we propose that certified programs continue to be permitted to seek reimbursement for the time spent entering data into and generating reports and reimbursement claims from the database as part of their administrative costs, up to the 15% cap. We seek comment on these various proposals.

Response:

We note that Perkins commissioned the development of the database to meet Perkins' needs to administer the program in multiple states. We have worked with our database vendor to continue to refine the development based on experience with the program and end-user feedback. We have been pleased to make the database available to other state programs as a resource for them, but note that database development is not our core competency, and the budget figures we previously offered were best estimates at that time. We suggest the FCC clarify start-up costs versus ongoing costs, and the FCC should define the duration necessary to provide adequate time to develop and implement the centralized database, including development of training and documentation in accessible formats, as previously noted.

38. Regardless of the precise mechanism chosen for obtaining a centralized database for the program, we seek input on the performance goals along with performance measures that should be used for this project. Other issues on which we seek input include the implementation schedule for the work; budget for the first three years of work related to the development and maintenance of the database; and prerequisite experience needed for staff employed in creating and managing a complex database capable of receiving large amounts of data. We also seek input regarding database query and data mining capabilities; and database design best practices to ensure that certified programs can generate reimbursement claims and submit them electronically to the TRS Fund Administrator using the database. We also seek input on the report functionality required for the database; and best practices with respect to data management, security, privacy, confidentiality, backup, and accessibility, including compliance with section 508 of the Rehabilitation Act.

Response:

We recommend the Commission require standard best industry practices that address critical reliability criteria such as: database design; data and system security; system availability; level of acceptable data loss in the event of system failure; system recovery time; transaction response time; data storage and backups; short and long-term disaster recovery plans; accessibility of the system, as well as training and support materials; ability to adequately serve required number of concurrent users; and sufficient availability of accessible real-time end-user support.

We believe the implementation schedule should ensure the availability of the database

at the onset of the first year of the permanent program. We suggest prerequisite experience should include database development, support staff experience, and ability to meet accessibility requirements. The database vendor should demonstrate ability to support a wide range of end-user capabilities and provide support staff that can work with them.

Because the data is relational in nature, the development staff should be able to address data normalization to ensure data consistency, and should understand both the reporting and data input needs. Database query and data mining functionality should be facilitated by ensuring relational normalized data to the fullest extent possible, Ref. par. 6 for the ability to query program statistics.

IV. CONSUMER ELIGIBILITY

A. Definition of Individuals who are Deaf-Blind

40. Commenters almost universally support retention of the HKNC Act definition of “deaf-blind,” together with a functional ability requirement, as an effective definition that has worked well for the pilot program. We therefore propose to retain this definition and seek comment on this proposal.

Response:

We agree.

B. Verification of Disability

42. Commenters support giving certified programs the flexibility to accept verification of disability from a wide range of professionals, as well as verification through documentation already in the applicant’s possession. As the Commission noted previously, “NDBEDP applicants who are deaf-blind are likely to face significant logistical challenges, including the very types of communication barriers the NDBEDP is itself designed to eliminate, in their attempts to obtain verification of their disabilities.” As such, we tentatively conclude that the Commission should retain the current requirements for verification of disability from a professional with direct knowledge or through documentation already in the applicant’s possession, and seek comment on this tentative conclusion. Nonetheless, we seek comment on whether a professional’s attestation that an individual is deaf-blind should include the basis of the attesting professional’s knowledge. We also propose that the disability verification must include the professional’s full name, title, and contact information, including business address, phone number, and e-mail address. We seek comment on this proposal. Finally, we ask whether certified programs should be required to re-verify an individual’s disability eligibility each time the recipient applies for new equipment, or whether there is a period of time after an initial verification that such verification should be deemed sufficient to prove disability in the event that the recipient seeks additional equipment. For this purpose, we propose to require certified programs to re-verify an individual’s disability eligibility when the individual applies for new equipment three years or more after the program last verified the individual’s disability. We seek comment on this proposal.

Response:

We support the Commission's decision to retain the current requirements for verification of disability from a professional with direct knowledge or through documentation already in the applicant's possession. We agree that professional's attestation that an individual is deaf-blind should include the basis of the attesting professional's knowledge. We also propose that the disability verification must include the professional's full name, title, and contact information, including business address, phone number, and e-mail address.

It seems unduly burdensome to the consumer to require new disability attestations after an individual has been deemed eligible. Although changes in hearing and vision may occur over time, they almost always result in greater loss of hearing and or vision. We believe it is more appropriate to require a re-assessment to justify further equipment and/or training, rather than a new attestation.

C. Income Eligibility

46. The NDBEDP is, by statute, restricted to individuals who are low income. Absent authority from Congress, the Commission is unable to remove the income limitation from the eligibility requirements, as urged by some commenters, or allow deaf-blind individuals who do not meet the income requirement to receive benefits on a sliding scale basis, as urged by other commenters. Given the statutory command, we seek comment on how to define the "low income" threshold for purposes of eligibility in the permanent program. Should we, for example, continue to use a threshold of 400% of the FPG like we did in the pilot program? We are sensitive to the concerns of commenters who note the high cost of medical and disability-related expenses for this population, as well as the high cost of the equipment that these consumers need. In the *NDBEDP Pilot Program Order*, the Commission concluded "that the unusually high medical and disability-related costs incurred by individuals who are deaf-blind . . . together with the extraordinarily high costs of specialized [customer premises equipment] typically needed by this population, support an income eligibility rule of 400 percent of the FPG for the NDBEDP pilot program. In order to give this program the meaning intended by Congress – 'to ensure that individuals with disabilities are able to utilize fully the essential advanced technologies that have developed since the passage of the ADA and subsequent statutes addressing communications accessibility' – we must adopt an income threshold that takes into account these unusually high medical and disability-related expenses, which significantly lower one's disposable income."

Response:

In our experience the threshold of 400% of the FPG has allowed us to serve most adults who are deaf-blind and many children. Some otherwise eligible children have been disqualified because of their family income.

We note that some consumers have requested upgrades to equipment distributed by the program, and have offered to pay the difference in cost. We recommend the Commission allow, but not require, state programs to offer this option, (if consumers are allowed to pay the difference for an upgrade there may be differences in the SMA's, warranties, etc. as well). We note that, for some state programs, the requisite accounting of such transactions will be cost and time-prohibitive. If the Commission makes such allowances, we urge the Commission to develop criteria for such transactions, to address whether upgrades not related to the goals of the program are allowed for the consumer's personal or business purposes; and or for the consumer's family members' use.

47. We note that in 2013, the median household income in the United States was \$52,250. Can we define a household as “low income” if its income exceeds the median? Should we use the median as a cap on eligibility, or just adopt the median as a threshold? Alternatively, how do other federal programs define “low income” households? For example, the FCC’s low-income universal service program (known as Lifeline) defines a household as low income only if it’s below 135% of the FPG (or the household qualifies for one of several federal low-income programs). Should we adopt that threshold here? What effect would adjusting the income eligibility threshold have on otherwise-eligible deaf-blind individuals? As we approach the maximum funding level each year, what effect would adjusting the income eligibility threshold have on prioritizing scarce resources?

Response:

As noted above, otherwise eligible children would be most affected by setting a cap or adopting the median as a threshold. Otherwise eligible seniors who reside with a son's or daughter's family might also be impacted.

48. Next, we seek comment on whether “taxable income” – rather than total, gross, or net income – be used to determine eligibility, while retaining the limitation that such income not be greater than 400% of the FPG. For these purposes, we seek comment on whether the term “taxable income” be defined as gross income minus allowable deductions, as defined by the U.S. Tax Code. In other words, taxable income for the purposes of the NDBEDP would be the amount that is used to compute the amount of tax due. We seek comment on how to address non-disability related exemptions or exclusions in the tax code. For example, should otherwise-non-taxable municipal-bond income be included in a household's taxable income for purposes of eligibility? Should mortgage-interest deductions or state-income-tax deductions be included? We ask whether this modification will address commenters urging consideration of an applicant's disability-related and medical expenses, given that taxable income includes allowable deductions for such expenses for individuals who itemize their deductions. For those individuals who do not itemize deductions, in addition to the basic standard deduction, an additional standard deduction is permitted for individuals who are blind, which may help to ameliorate the burden of additional expenses incurred by such individuals and result in less taxable income. We ask

for comment as to whether this would address commenters' concerns, without conflicting with statutory limitations and congressional intent, or if there are other proposals that might achieve this goal. We also ask whether this approach will impose any additional administrative burdens on either the certified programs or consumers, and whether those burdens are justified by the benefits of adopting these financial eligibility criteria. We also seek comment on how other federal programs define income for determining whether a household is "low income" and whether any other federal program uses "taxable income" for that purpose.

Response:

According to the Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, "There is no simple answer to these questions.

When determining program eligibility, some agencies compare before-tax income to the poverty guidelines, while other agencies compare after-tax income. Likewise, eligibility can be dependent on gross income, net income, or some other measure of income.

Federal, state, and local program offices that use the poverty guidelines for eligibility purposes may define income in different ways."

<http://aspe.hhs.gov/poverty/faq.cfm#programs>

The more complex the formula the greater the chances are of errors. Using the taxable income on the cover sheet of the individual or joint tax return seems like the most direct, error proof direction for the FCC to give to certified programs to determine income eligibility.

49. Commenters also express concern over the Commission's use of household income in lieu of personal income to determine income eligibility for the NDBEDP, because they say the former can result in disqualification of adult applicants who live in multi-person households and other adult applicants who are not dependent financially. We propose, therefore, to clarify that multiple adults living together as roommates or in a multi-person home are not an "economic unit" and therefore not a "household" for purposes of determining income eligibility. An "economic unit" consists of all adult individuals contributing to and sharing in the income and expenses of a household. In situations where an adult applicant lives in a multi-person home but does not have access to the financial resources of others, he or she is not "contributing to and sharing in the income and expenses" of the group but instead maintaining financially distinct identities despite a shared living space. In contrast, where an adult applicant is financially dependent on another adult or their finances are intertwined (as with a spouse), the incomes of all members of that household must be considered. We ask for comment on this approach or alternatives to this approach that would be consistent with the congressional mandate requiring the NDBEDP to serve only low-income individuals.

Response:

This clarification of household is helpful. As referenced in par. 47, it may unfairly penalize an elderly, otherwise-eligible consumer who receives housing and support from an adult child.

D. Verification of Income Eligibility

51. We tentatively conclude that the Commission should continue permitting individuals enrolled in federal subsidy programs with income thresholds lower than 400% of the FPG to be deemed income eligible for the NDBEDP. We believe that this approach is reasonable and reliable, simplifies the income verification process for applicants and certified programs, and is consistent with the approach adopted for our Universal Service low-income program. Further, we propose to continue to require certified programs to verify low-income eligibility using appropriate and reasonable means, for example, by reviewing the individual's most recent income tax return, when applicants are not already enrolled in a qualifying low-income program. We seek comment on these proposals. We seek comment on whether a third-party should determine income eligibility just as we propose to retain the requirement for a third-party to verify an individual's disability. If we decide to use a third-party to verify income, we seek comment on whether this should be done by a state agency, such as during the time of enrollment in other programs, or through another mechanism. We seek comment on the potential impact on program applicants and the potential costs and benefits of doing so, including the potential administrative savings to the programs of relieving them of this responsibility. We further note that the Commission's Universal Service low-income program lists, as acceptable documentation to prove income eligibility, "the prior year's state, federal, or Tribal tax return; current income statement from an employer or paycheck stub; a Social Security statement of benefits; a Veterans Administration statement of benefits; a retirement/pension statement of benefits; an Unemployment/Workers' Compensation statement of benefit; federal or Tribal notice letter of participation in General Assistance; or a divorce decree, child support award, or other official document containing income information." Would these forms of documentation be appropriate to prove income eligibility for NDBEDP equipment recipients? Additionally, the Universal Service low-income program rules specify that, if the documentation presented "does not cover a full year, such as current pay stubs, the [applicant] must present the same type of documentation covering three consecutive months within the previous twelve months." Should such eligibility criteria be applied across all certified programs nationwide? Finally, we ask whether certified programs should be required to re-verify an equipment recipient's income eligibility when that individual applies for new equipment. Is there is a period of time following an initial verification that such income verification should be deemed sufficient if the recipient seeks additional equipment? For this purpose, we propose to require certified programs to re-verify an individual's income eligibility when the individual applies for new equipment one year or more after the program last verified the individual's income. We seek comment on this proposal.

Response:

We agree that the Commission should continue permitting individuals enrolled in federal subsidy programs with income thresholds lower than 400% of the FPG to be deemed income eligible for the NDBEDP. We believe that this approach is reasonable and reliable, simplifies the income verification process for applicants and certified programs, and is consistent with the approach adopted for our Universal Service low-income program. We support the proposal to continue to require certified programs to verify low-income eligibility using appropriate and reasonable means, for example, by reviewing the individual's most recent income tax return, when applicants are not already enrolled in a qualifying low-income program.

When applicants can't produce a tax return, other acceptable documentation to prove income eligibility should be accepted by certified programs along with a signed affidavit from the applicant verifying that such documentation represents his/her only income.

We think having a third-party verify income eligibility will be burdensome for the consumer and will slow down the application process. Many consumers, especially elderly consumers, are not attached to state agencies that have access to their financial information. It seems to be adding an unnecessary layer to add in a third party to verify income eligibility.

It seems fair to re-verify income eligibility when new equipment is being requested one year or more after the program last verified the individual's income.

E. Other Eligibility Criteria

53. We propose to continue permitting certified programs to require equipment recipients to have access to the Internet or phone service that the equipment is designed to use and make accessible. Commenters were generally supportive of this requirement, which ensures that the equipment purchased will be usable by the consumer. We seek comment on this approach.

Response:

We agree. Consumers who do not have in-home service should be required to state how they will otherwise access service, e.g. public wifi access should be permitted within a reasonable range of home.

54. Commenters assert that the population sought to be served by the NDBEDP faces critical unemployment and underemployment challenges, and that employment restrictions are not appropriate for this program. We therefore propose to retain the prohibition against employment-related eligibility requirements. We seek comment on this proposal.

Response:

We support the Commission's proposal to retain the prohibition against employment-related eligibility requirements.

55. Some commenters express concern that there is a lack of parity across states with respect to the distribution of equipment and provision of training. In the pilot NDBEDP, the Commission granted states considerable flexibility in deciding how best to distribute equipment and provide related services to as many of their eligible residents as possible, given their jurisdiction's demographics and the inherent constraints of NDBEDP funding allocations, qualified personnel, time, and other limited resources. We propose to continue following this approach because we believe it has been effective in allowing states to address the wide range of variability that exists within and between state populations and resources, as well as the diversity within the population of individuals who are deaf-blind. We seek comment on this proposal. Should the Commission take measures to prioritize the use of funding in the event that demand for funding exceeds the \$10 million funding limitation? If so, for what purpose and when should priorities be set? For example, should priorities be designed to maximize the number of equipment recipients per year or the number of new equipment recipients per year or both? Should the Commission consider taking measures to target the lowest-income individuals? For example, should the Commission consider lowering the income eligibility threshold? Should the Commission consider establishing caps on the amount of equipment or related services an individual may receive to achieve that goal? We seek comment on these or other alternatives the Commission should consider to maximize the number of low-income consumers who can receive equipment under the permanent program.

Response:

Analysis done a few weeks before the fiscal year ended showed that there was a drop in registrations (active, complete, pending and referral status) from 677 for FY14 to 466 for FY15 in the states that use the Perkins database. Given this trend we think it is unlikely that demand for the funding will exceed the \$10 million funding limitation in the near term. The spirit of the enabling legislation is to ensure access to 21st century communication for eligible, low income deaf-blind individuals. This will likely mean that some individuals who received equipment in year 1 may need new, updated equipment in the next program year. There may be instances where a consumer received equipment and the next generation has features that would enable the consumer further, so new equipment in a very short time may be appropriate. We believe there are also people who are eligible for the program who have not yet been served. Every effort should be made to serve both groups.

We believe that the 400% FPG is a reasonable measure, it does not make sense to prioritize the lowest-income individuals.

The Commission could consider establishing caps on the amount of equipment or related services an individual may receive. An unintended consequence of establishing such caps might be that fewer people will graduate from consumers to trainers.

56. At the same time, we acknowledge the need for greater transparency by state programs with respect to any unique criteria or priorities used for the distribution of their equipment and related services. To address these concerns, we propose that each certified program be required to make public on its website, if one is maintained by the certified program, or as part of its other local outreach efforts, a brief narrative description of any criteria or priorities that it uses to distribute equipment, as well as strategies established to ensure the fair distribution of equipment to eligible applicants within its jurisdiction. We seek comment on whether this proposal would assist consumers to better understand what benefits they may be able to secure from their state programs. We also seek comment on whether the administrative burdens of such an approach would be outweighed by its benefits.

Response:

We agree that there is a need for transparency by state programs with respect to any unique criteria or priorities used for the distribution of their equipment and related services. We believe that state programs should post a brief narrative description of any criteria or priorities that it uses to distribute equipment, as well as strategies established to ensure the fair distribution of equipment to eligible applicants within its jurisdiction. Every certified program has a web page on the iCanConnect website on which this statement could be posted.

57. We caution, however, that strategies to serve eligible applicants in a state must be consistent with the NDBEDP rules. For example, a certified program whose state education department provides deaf-blind students with all of the communications equipment and related services they need may determine that it should focus its NDBEDP resources to meet the needs of low-income deaf-blind adults. We believe this would be consistent with the principle, adopted in the *NDBEDP Pilot Program Order*, that the NDBEDP is supplementing rather than supplanting other resources. However, a program restriction disallowing the distribution of equipment to any persons under the age of 18 could exclude otherwise eligible deaf-blind individuals in need of this equipment. We tentatively conclude that state programs generally should not be permitted to adopt such sweeping limitations, and seek comment on this tentative conclusion. In addition, we propose to require certified programs to serve eligible applicants of any age whose communications equipment needs are not being met through other available resources and we seek comment on this proposal. Finally, we seek comment on whether we should address in our rules for the permanent NDBEDP any other specific state program restrictions that currently exclude individuals who may otherwise qualify for NDBEDP equipment and related services.

Response:

We believe that it is very important that rules for services by certified programs be the same in all states. Certified programs should be committed to serving any consumer who is deaf-blind and income eligible of any age. We also believe that certified programs should assure that NDBEDP funds supplement rather than supplant other sources including Education, Vocational Rehabilitation and Veteran Services.

V. EQUIPMENT AND RELATED SERVICES

A. Outreach

1. National Outreach

60. Based on both the extensive efforts of the national outreach program to alert and educate consumers about the availability of NDBEDP equipment through state programs, and the generally high praise for these efforts conveyed by the majority of commenters, we propose to continue funding for national outreach efforts as part of the permanent program and for the NDBEDP Administrator to oversee these efforts. The Commission will consider a variety of approaches to satisfy the national outreach requirements for the program including using existing Commission staff and resources, engaging another agency with expertise in this area through an Interagency agreement, acquiring these services through a competitive procurement, evaluating whether to modify a contract with an existing contractor to satisfy the program requirements – either through direct performance by the main contractor or a subcontractor. The Commission may also wish to invite entities, via a public notice, to submit applications for the role of national outreach coordinator. The Commission will consider using a combination of any of these in-house, regulatory, or procurement strategies where efficient and lawful to do so. Regardless of the precise approach used to obtain national outreach services, we seek input on the performance goals along with performance measures that would be helpful in facilitating oversight of national outreach efforts.

Response:

As noted several times in our comments, we believe there is a need for continued efforts to raise awareness about the program, and we recognize that, in marketing, it's believed people need to receive a message multiple times for the message to be retained. Since digital marketing is increasingly recognized as more cost-effective than traditional media and in many cases results are easier to quantify, we recommend the Commission consider metrics such as: increase in website traffic; increase in application downloads, the impressions and quality of impressions on social media; increased registration by target populations, etc.

61. At the same time, we believe that, because national outreach efforts, combined with state and local outreach efforts conducted by certified programs, have made significant progress in publicizing the NDBEDP, less national outreach may be needed going forward. Several commenters suggested a reduction in the outreach allocation. We therefore propose to reduce the amount of money spent on national outreach to \$250,000 for each of the first three years of the permanent program, and seek comment on this proposal. Do commenters agree that this reduction in the national outreach allocation is appropriate given the limited amount of annual funding available to the NDBEDP and, if so, would \$250,000 per year be an appropriate level of funding? What effect would such a reduction in funds have on the types of national outreach efforts that were made under the pilot program? For example, will this amount of money be sufficient to continue the outreach activities that Perkins identifies as “critical,” including maintenance

of the iCanConnect website; the 800 number and call center; marketing materials; monthly conference calls; and support to states to gather and promote success stories? How can we ensure that these or other national outreach efforts undertaken under the permanent program are cost effective? Should we conduct an assessment during the third year to determine whether and to what extent to continue such funding support beyond this period? Will two years be sufficient to gather the data necessary to make this determination during the third year? If we take this approach, we seek comment on how we should, in the third year, evaluate the efficacy of national outreach efforts for this purpose.

Response:

We understand there are competing priorities for the funding and other stated needs for those funds, however we are concerned about whether \$250,000 will be sufficient to continue to build general awareness of the program, and we urge the Commission to monitor this. We encourage the Commission to conduct an assessment during the third year to determine whether and to what extent funding support is adequate.

We continue to assert that maintenance and continued development of: the iCanConnect website; the 800 number call center; digital marketing materials; monthly conference calls; and support to states to gather and promote success stories are critical components of the national outreach efforts.

We also believe that outreach efforts should continue to be informed by analysis of the iCanConnect website statistics. One such effective metric is to view the number of application downloads from state pages on the iCanConnect website, although it would be more effective if all states had their application posted online, which is not currently the case.

62. Some commenters propose that national outreach be used to target specific groups, such as ASL users, non-English language users, and medical and elder service professionals. We seek comment on whether the Commission should adopt this approach and if so, why. Would the proposed reduction in funding limit national outreach to these targeted groups? Should other populations be targeted? What specific methods of communication or activities should be used to reach these groups? Some commenters have emphasized the need for national outreach to engage eligible consumers who do not specifically identify as deaf-blind. How can the Commission ensure that outreach reaches these individuals? Other commenters have emphasized the need to coordinate national outreach with the educational efforts conducted by certified programs in each state. For example, some commenters report that consumers who received equipment and services from a state program became confused when they later received direct marketing materials from the national outreach coordinator. We seek input on whether and to what extent national outreach should be coordinated with state program efforts, including the costs and benefits of having to take such measures.

Response:

As mentioned in par. 55, a preliminary review of year three statistics (from the state programs using the database) shows a drop in the number of consumers registering for the program. We believe that the intent of the enabling legislation was to serve income eligible people with combined hearing and vision losses. The fastest growing segment of that group is elders who have experienced hearing and vision loss as a by-product of aging. We believe that targeted national outreach efforts aimed at this population are still needed.

This group can be challenging to reach, as many do not self-identify as deaf-blind. We have employed and recommend strategies to use key distribution channels of organizations that provide services to the aging population, including: local, state and federal government agencies; local and national membership organizations; family caregiving; minority aging organizations; and nutrition providers. We also recommend enlisting these organizations' support to link to www.iCanConnect.org on their websites.

The best measure of success of these outreach efforts would be to see an increase in applications from people within this age range. We also think that some groups are underserved by the program. e.g., non-English language users, and we recommend development of targeted content for this group (using Spanish and ASL), and for individuals who identify primarily as Deaf or visually impaired but qualify due to a later onset of additional sensory loss. Again, specific measure of increased applications from these sub-groups would be the best metric. We recommend continued outreach to service providers and consumer groups.

Many certified programs are run by small to medium sized non-profit agencies that do not have marketing staff or experience. People responsible for running the programs often focus on getting consumers equipment and training rather than planning marketing/outreach efforts. We think a national outreach effort is still needed. We agree that national marketing efforts need to be coordinated with certified programs. We believe that including information about marketing initiatives on the iCanConnect website and reporting on monthly national calls can help with this coordination.

Perkins plans to post a national marketing calendar on www.iCanConnect.org to facilitate coordination and maximize efforts between local and national outreach programs. We encourage the Commission to continue this strategy in the permanent program.

63. Finally, ACB suggests that we assess national outreach efforts after the first two years of the permanent program. We agree that performance goals should be defined for the national outreach program along with performance measures that are clearly linked to each performance goal. Evaluating a program against quantifiable metrics is part of the Commission's normal oversight functions. As such, we seek input on the data the Commission should collect in order to effectively oversee the outreach efforts. For example, Perkins suggests identifying metrics to measure the efficacy of national outreach in advancing the NDBEDP, such as increases in the number of program participants, inquiries through the 800 number/call center, referrals through the iCanConnect website,

consumer applications to state programs, the proportion of consumers in specified groups, such as by age or language spoken, website traffic, “[g]rowth in social channels,” and media impressions. Should we collect some or all of this data? If so, at what intervals are reports on such data useful? What are the costs and benefits of collecting and evaluating this data? Commenters should explain the connection between performance measures proposed and clearly defined program goals.

Response:

We agree with the examples of data that should be collected and reported on at annual intervals, ref. par. 60. We suggest that analysis of the data identify trends across time periods, as well as cumulative to date. We believe that attrition of general awareness gained to date is at risk if outreach is discontinued, even when it’s not entirely measurable.

2. Local Outreach

65. We tentatively conclude that the Commission should continue to require certified programs participating in the permanent NDBEDP to conduct outreach to state residents, and to reimburse these programs for the reasonable costs of such outreach. Commenters universally support the continuation of reimbursement for state and local outreach, with many emphasizing the unique benefits it can provide, such as the ability to appeal to specific populations within the state, by age, location, or other traits. For example, one certified program under the pilot program reports that it “developed [an] NDBEDP page on [its] website, created a program brochure, made [the program] part of our social media presence through blogs and Facebook, [and] advertised it in local newspapers and through public service announcements.” Another commenter reports that consumers heard about the pilot program “from the local deaf-blind service center, by word of mouth, and the state’s NDBEDP website.” As noted earlier, some commenters believe state and local outreach are more effective than national outreach efforts, while others urge that additional funding be allocated to this type of outreach. We seek comment on our tentative conclusion that the Commission should continue requiring and reimbursing for local outreach by certified state programs, given the overwhelming endorsement of such efforts in the record.

Response:

We believe both national and local outreach efforts are necessary. For local outreach, each state program has a unique understanding of the populations it serves, and may well best understand the various ways to reach them (and those who can refer them). Our experience in multiple states has shown that what works well in one state may not be as successful in another. In some markets radio may outperform newspaper advertising; in others a church bulletin may be known to be an effective way to reach target populations.

It has also been our experience that the benefits of local campaigns can also accrue to the national program. For example, Facebook ads Perkins ran in the states we lead had a great impact on the overall increase in popularity of the iCanConnect Facebook page. The number of page likes increased, more people have shared the ads or other posts

from the Facebook page on their own page, and the number of views per post regularly tripled from the pre-advertising norms.

66. We also seek comment on the level of funding for state and local outreach that should be considered reasonable for purposes of reimbursement under the permanent NDBEDP. Overall, certified programs spent a combined average of approximately 10% of their total fund allocations on state and local outreach during the second year of the pilot program. Given that outreach activities at the state level have made significant progress in publicizing the NDBEDP, we propose that such outreach expenditures be capped at 10% of each state's funding allocation during the first two years of the permanent program, after which we propose that the NDBEDP Administrator be required to reassess this level of funding authorization. We seek comment on these proposals, as well as the specific metrics and criteria that should be used to evaluate the success of these outreach efforts, such as the percentage of a state program's funding allocation actually used. How can we ensure that local outreach efforts undertaken under the permanent program have met such metrics, and are cost effective? Are there other criteria, including that proposed for our assessment of national outreach activities, that can be applied to evaluating the success of state outreach efforts?

Response:

Applying a specific hard cap on outreach to all certified programs is not appropriate at this time. With a robust national database, certified programs should be able to monitor the number of active cases in their system and the resources required to provide services to them. Programs will also be able to see when there is a lull in new referrals. Given that data programs may seek to increase outreach efforts to get more consumers in the pipeline. Rather than establishing a hard cap, we think the FCC should make 10% a guideline and allow certified programs to request to exceed that cap if they can use data to justify the need for additional outreach.

Metrics for state and local outreach should be based upon the needs identified by the certified program, e.g. an overall increase in inquiries, increase in general enrollment, and increase in enrollment by specific targeted groups (ESL, for example).

67. Finally, in the *NDBEDP Pilot Program Order*, the Commission explained that state and local outreach “may include, but is not limited to, the development and maintenance of a program website that contains information about the NDBEDP certified program, contact information and information about available equipment, as well as ways to apply for that equipment and related services provided by the program.” The Commission also required that the outreach information and materials that a certified program disseminates to potential equipment recipients be provided in accessible formats. We tentatively conclude that our rules should continue to allow reimbursement for the development and maintenance of a program website. We believe such websites have been very helpful in both informing state residents about the existence of the NDBEDP and instructing them on how to apply for equipment and related services from their local programs. We also tentatively conclude that our rules should continue to require outreach materials to be fully accessible to people with disabilities. We

note that certified programs, whether they are entities operated by state or local governments or privately operated, already are required to ensure accessibility under the Americans with Disabilities Act. We seek comment on these proposals and any other matters regarding state and local outreach.

Response:

We agree that all materials should be in accessible formats, and Spanish language (or other most prominent second language in a given state) to the extent it is known to be needed and economically feasible. Regarding state programs maintaining their own iCanConnect website, we believe it is important to make the most effective use of the national outreach-supported program website, www.iCanConnect.org, and the individual state pages that are maintained for each certified program. With the proposed rulemaking announcement by the U.S. Access Board regarding adoption of WCAG 2.0 guidelines, we suggest the Commission determine whether this should be a requirement for iCanConnect digital content. With a stronger focus on digital marketing comes the ability and need to measure the efficacy of each campaign, including analyzing statistics for all pages on the program's website. We therefore recommend that state programs choosing to maintain their own state iCanConnect web page/web site consider effective strategies (e.g. posting the iCanConnect.org/state page to its own local website, and vice versa) to maximize their purpose and use. In all cases, we suggest that each certified program populate their iCanConnect.org state page with updated contact information and the consumer application in standard and large print text.

B. Assessments

69. Commenters unanimously support the continued reimbursement of the reasonable costs of individualized assessments, including the cost of travel by assessors and support services. Based on these comments and our own experience during the pilot program, we agree on the need for individual assessments to ensure, given the wide range of abilities and hearing and vision disabilities across the deaf-blind population, an appropriate match between the particular type of technology distributed and the unique accessibility needs of each consumer. Further, we continue to believe that reimbursement of the reasonable costs of travel by program staff and contractors to conduct assessments of individuals located in rural or remote areas is necessary to ensure that the right equipment is provided to eligible consumers in the most efficient manner, and thus necessary to achieve the goal of accessible communications under section 719 of the Communications Act. Accordingly, we tentatively conclude that the permanent NDBEDP should continue to permit reimbursement for these assessment and related travel costs, and seek comment on this tentative conclusion. We ask commenters who do not believe that such funding support should be continued to explain why it should be discontinued. Further, we ask how we can ensure that conducting assessments under the permanent program is cost effective or how we can improve the cost effectiveness of such assessments. We also seek comment on any other matters related to conducting individualized assessments under the NDBEDP.

Response:

We agree that the permanent NDBEDP should continue to permit reimbursement for these assessment and related travel costs.

Determining cost effectiveness is a challenge. Each individual served in the NDBEDP has a set of unique characteristics related to communication needs, preferred learning media, hearing and vision losses, learning style, experience with technology, etc. All of these factors influence the time and resources required to conduct a valid assessment. Assessors' rates vary according to market and some assessments require extensive travel and additional communication support. The NDBEDP Administrator's current processes for approving requests for reimbursement provide good oversight and opportunities to question reimbursement anomalies.

70. We further propose to reimburse certified programs for the reasonable costs of in-state travel for consumers (and their support service providers, if needed) because the record shows that, in some instances, it would be preferable for consumers to travel to a location away from their homes to have their needs assessed before receiving equipment. While some commenters note that assessments in consumers' homes are often preferred because they can include consideration of the home environment and communications technology the consumer may already have, most parties that submitted comments in response to the *Permanent NDBEDP PN* support reimbursement for consumer travel for assessments when necessary. These commenters list a number of situations in which it may be more efficient and effective for consumers to travel to a location away from the consumer's home, such as the state NDBEDP program office, for their assessments. First, some commenters claim that transporting all of the equipment options to a consumer's home for assessment or demonstration purposes may not be practical, and that when this occurs, it would be beneficial to allow consumers to try out a variety of equipment at the state NDBEDP program office. Second, commenters point out that sometimes it is easier to obtain interpreters and other support services in a centralized location, especially if the consumer lives in a remote area, where it is difficult or impossible to find such personnel. Finally, some commenters suggest that reimbursement of consumer travel costs could reduce overall assessment costs for a certified program because it would allow several consumers to gather in a centralized location to be assessed by a single assessor, rather than having one or more assessors travel across the state. We seek comment on whether, for these or other reasons, certified programs should be permitted to receive reimbursement for the reasonable costs of in-state travel for consumers (and their support service providers, if needed) when doing so would be more efficient and effective than conducting the assessment in the consumer's home. Would allowing such coverage benefit consumers, for example, by making a wider array of communication devices available for such assessments? To what extent would allowing these costs provide consumers with access to more skilled assessors or support services? Should there be a cap on the amount a state program can spend on assessment-related consumer travel? To what extent should the Commission's rules define the permissible costs that would be considered reasonable for such travel, and what costs should be considered "reasonable"? Are there other federal programs that are instructive with respect to addressing

similar travel costs? We assume that most travel could occur from the consumer's location to the NDBEDP center and back to the consumer's location within a single day, given that travel is within a single state, and seek comment on whether this assumption is correct. For example, what is the average distance and duration for consumers to travel to the assessment location? How likely is it that a consumer would need overnight lodging for the purpose of completing such assessment, and if such lodging is necessary, should this be covered by NDBEDP funds? To what extent have consumers traveled to another location for the purpose of obtaining assessments at their own expense during the pilot program, and to what extent are they likely to need such travel in the future? Are certified programs already paying for consumer travel, without seeking reimbursement for those costs? Are state programs able to estimate projected costs for future consumer travel if our proposal to permit these costs is adopted? Are any of these expenses able to be reimbursed by other federal programs?

Response:

Reimbursing certified programs for the reasonable costs of in-state travel for consumers (and their support service providers, if needed) increases the ability of the certified programs to offer consumers choices. Some consumers may prefer to go to a center to see a wide variety of equipment options. Bringing a consumer from an area with few resources e.g., interpreters and support service providers, to an area with greater resources may also be more cost effective. Bringing several consumers to a specified location with a skilled assessor can also be an effective way of providing services. We believe that it is very important to offer consumers the choice of traveling or not. The consequence of not traveling may mean a longer wait time but that decision should be left to the consumer.

While it is likely that much travel could occur from the consumer's location to the NDBEDP center and back to the consumer's location within a single day, given that travel is within a single state, that would not be true in larger states with significant rural areas, e.g., Texas, New Mexico, etc. Currently Perkins has been reimbursed for hotel and associated travel costs for assessors who have to travel great distances to reach a consumer, it would seem reasonable to expect that if the consumer traveled instead that hotel and associated travel costs would also be reimbursable costs.

Although we are in support of reimbursed consumer travel, we are concerned about the potential labor intensity of properly tracking consumer receipts for reimbursement. We ask the Commission to address the impact of certified programs' staff time to support.

71. Although we believe that reimbursing programs for the reasonable costs of consumer travel and support service providers, when needed and appropriate, can benefit both consumers and certified programs, given the limited NDBEDP funding available to each certified program, we are hesitant to allow such compensation without the careful review and prior approval of each program pursuant to clearly defined guidelines. We therefore propose that a consumer's travel costs be reimbursed only if those costs are first pre-approved by the certified program, which should occur only after a determination by the program that the reasonable costs of this travel would be more efficient and effective than

having the assessor travel to the consumer. Moreover, we seek comment on specific guidelines certified programs should follow or factors they should consider to make such determinations. For example, how should certified programs weigh possible benefits to a consumer that travels to receive an assessment (e.g., to try out a variety of equipment or receive a more timely assessment), against a comparison of program personnel travel versus consumer travel costs? Finally, we propose that pre-approval for such travel costs by the NDBEDP Administrator not be required, but may be requested by state programs, particularly if they have questions as to whether the requested travel would comport with the established guidelines. We suggest this approach because we generally agree with commenters that state programs are in the best position to know when consumer travel is either necessary or will achieve the best efficiencies for its program. We seek comment on these and any other matters related to the reimbursement for the cost of consumers' in-state travel for purposes of obtaining assessments.

Response:

We agree that state programs are in the best position to know when consumer travel is either necessary or will achieve the best efficiencies for its program.

As long as the request meets the standard of what is considered reasonable, we believe the consumer should have the choice of whether to be assessed in their home or another location. The certified program should convey to consumers the benefits and consequences to inform those choices. We recommend that the national database manage the approval process for services and equipment, including assessments. Therefore, travel costs for assessors and/or consumers would require pre-approval.

72. Commenters did not distinguish between in-state and out-of-state travel when commenting on reimbursement for consumer travel for assessments. We seek comment on the reasons that a consumer may need to travel out-of-state for an assessment, and the number of consumers who already do so or are likely to do so, if reimbursement were allowed. Because the costs of traveling greater distances are likely to be higher than for in-state travel, should certified programs be required to seek pre-approval from the NDBEDP Administrator for out-of-state travel to ensure that the costs are reasonable? We seek comment on these and any other matters related to the need for and appropriateness of having the NDBEDP reimburse state programs for the out-of-state travel expenses of consumers relating to assessments.

Response:

In our experience, it can be closer and more cost-effective to cross state lines for the closest proximity to services.

C. Equipment

74. We tentatively conclude that we should retain all of the equipment distribution provisions of the NDBEDP pilot program noted above. While some commenters urge limitations on the number of devices that each recipient should be permitted to receive, and the frequency with which they should be allowed to receive these devices, other commenters insist that because the needs of each deaf-blind individual are so unique that limits placed on the number of devices that could be given to such individuals might impede their ability to benefit from the program. We agree that placing such restrictions on equipment distribution through our rules at this time would be inconsistent with the goal of the program to ensure access to communications services to all eligible low-income individuals who are deaf-blind. The better approach, we believe, is to continue allowing the flexibility inherent in the existing provisions, which permit each certified program to determine how many pieces of equipment to provide and with what frequency, to meet the varied needs of the individuals in their communities. We seek comment on this approach. We also seek comment on how we can ensure that the purchase of equipment under the permanent program is cost effective or how we can improve the cost effectiveness of such equipment purchases. We further invite comment on whether certified programs should be required, as proposed by one commenter, to reassess the communications needs of an equipment recipient when new issues, such as developmental, medical, or other changes, result in equipment no longer meeting the recipient's needs. We also seek comment on alternatives that might address commenters' concerns.

Response:

We agree that the FCC should continue allowing the flexibility inherent in the existing equipment distribution provisions, which permit each certified program to determine how many pieces of equipment to provide and with what frequency, to meet the varied needs of the individuals in their communities. We do not think that certified programs should be permitted to categorically disallow equipment that is approved for reimbursement by the NDBEDP Administrator. We believe that the NDBEDP Administrator's process for reviewing equipment reimbursement requests identifies equipment purchase anomalies and assures that equipment purchases are cost effective.

We believe that it is the consumer's responsibility to contact their state program if he/she has a significant change in hearing, vision, medical status that interferes with his/her ability to use equipment provided by the program. Such life altering changes may be justification for re-assessment and provision of new/additional equipment.

75. Some commenters suggest that the centralized database contain a functionality that lists and frequently updates types of compensable equipment, and that allows certified programs, consumers, and industry to post suggestions for new equipment for consideration and evaluation, as well as comments, information, instructions or suggestions regarding existing equipment. We note that the database proposed in this *Notice*, if established, will be populated with information about equipment that has been distributed by certified programs across the country. If we extend our pilot program reporting rules, this

information will include the equipment's "name, serial number, brand, function, and cost, the type of communications service with which it is used, and the type of relay service it can access." We seek comment on whether certified programs should be permitted to query the proposed database to generate a list of equipment that has been provided through the NDBEDP.

Response:

Yes, as noted in par. 34, we believe certified programs should be permitted to query the proposed database to generate a list of equipment that has been provided through the NDBEDP. We have invested in the growth of a national community of practice among trainers in a wide variety of state programs by hosting monthly national trainers' calls, and it's clear that they are committed to sharing effective practices and lessons learned. Having this information available can advance that valuable knowledge sharing.

We caution that generating a list of equipment that has been provided through the NDBEDP may include equipment that has been provided but was later deemed ineligible for reimbursement, and we suggest that state programs, if in doubt about any hardware/software, should contact the NDBEDP Administrator prior to purchase. We further note that one or more certified programs have elected, as a matter of policy, not to distribute what is otherwise a reimbursable piece of equipment. We ask the Commission to clarify the extent to which any certified program may be allowed to do so.

76. In addition, the iCanConnect website, which is maintained as part of the NDBEDP national outreach effort, provides general information about different kinds of equipment that may be provided under the NDBEDP. The iCanConnect website also provides consumers with examples of specific communication devices commonly used by people who are deaf-blind, and therefore are likely to be reimbursable through the NDBEDP. Given the speed with which technology evolves, we propose that this list be kept reasonably up to date, though it need not be exhaustive. We seek comment on this approach and whether the iCanConnect website should provide other functionalities for state programs and consumers to aid in their equipment selection, such as the ability to compare and contrast different communication devices used by people who are deaf-blind. Should consumers be able to comment on equipment and, if so, to what extent should the comments be moderated, and by whom? How can the information about specific devices be kept up to date? Should equipment updates be provided by the website administrator, certified programs, consumers, industry, or all of the above? What are the costs and benefits of such functionalities, and would they be achievable with the amount of national outreach funding proposed in this *Notice*?

Response:

We believe that decisions about equipment selections should be made based upon an assessment of an individual. The person who is deaf-blind and a qualified assessor should define the individual's distance communication goals and select the best equipment to meet those goals. It should be a collaborative process. Equipment listings on the iCanConnect website can provide helpful information for consumers and others involved in the program but the website listings should not be the sole basis for

equipment selection. There would be significant costs to manage and moderate comments/reviews on iCanConnect.org and it would be very difficult to sort out spam, advertisements and personal bias from legitimate, objective product reviews. We believe that rating and commenting on equipment by consumers, manufacturers or dealers should not be a function of the iCanConnect website; reviews and personal commentary about specific pieces of equipment are available at manufacturers' websites and many other public forums. Links to the equipment manufacturers' sites are included in the iCanConnect website equipment listings.

77. We caution, however, that the appearance of a specific piece of equipment in the centralized database or on the iCanConnect website will not automatically make it eligible for reimbursement for all applicants. Rather, because equipment distribution determinations must be made based on individual case-by-case assessments, it is difficult, if not impossible, to identify specific types of equipment that will be reimbursable for all eligible applicants. Indeed, the same piece of equipment may be suitable for one individual, yet inappropriate for another. Thus, we propose that equipment reports produced by the centralized database, as well as equipment listings on the iCanConnect website, include a clear and conspicuous notice that the selection of and reimbursement for any piece of equipment distributed under the NDBEDP must be based on an individual case-by-case assessment and consistent with the NDBEDP rules. Consistent with this principle, under the pilot program, when it is not obvious that the equipment can be or is commonly used by individuals who are deaf-blind to access covered services, certified programs have been required to support their reimbursement claims with documentation that describes how the equipment they distribute makes telecommunications, advanced communications, or the Internet accessible to the individual who is deaf-blind. We propose that this requirement be carried into the permanent program. We further propose that certified programs be permitted to continue consulting with the NDBEDP Administrator about whether the NDBEDP will reimburse the cost of a particular piece of equipment for an eligible individual before purchasing the equipment. We seek comment on these proposals.

Response:

We agree that a clear and conspicuous notice that the selection of and reimbursement for any piece of equipment distributed under the NDBEDP must be based on an individual case-by-case assessment and consistent with the NDBEDP rules should appear on both the iCanConnect website and the database equipment listing, ref. par. 76.

Certified programs should support their reimbursement claims with documentation that describes how the equipment they distribute makes telecommunications, advanced communications, or the Internet accessible to the individual who is deaf-blind. Certified programs should be permitted to continue consulting with the NDBEDP Administrator about whether the NDBEDP will reimburse the cost of a particular piece of equipment for an eligible individual before purchasing the equipment.

78. Finally, we ask how certified programs can ensure that the individuals they serve do not sell or otherwise transfer the equipment they receive under the NDBEDP to another person. We propose that equipment recipients be required to execute a standard attestation that they will not sell, give, lend, or transfer their interest in any equipment they receive under this program. For this purpose, and to ensure the truthfulness and accuracy of each consumer's application for equipment, we seek comment on the following uniform attestation that we propose be included on all consumer application forms. Commenters who believe alternate attestation language is appropriate should explain why such alternatives are appropriate in lieu of this proposal:

I certify that all information provided on this application, including information about my disability and income eligibility to receive equipment, is true, complete, and accurate to the best of my knowledge. Program officials have my permission to verify the information provided. If I am eligible for services, I agree to use these services solely for the purposes intended. I further understand that I may not sell, give, lend, or transfer interest in any equipment provided to me. Falsification of any records or failure to comply with these provisions will result in immediate termination of service. In addition, I understand that if I purposely provide false information I may be subject to legal action. I certify that I have read, understand, and accept all conditions associated with iCanConnect, the National Deaf-Blind Equipment Distribution Program.

Response:

Many potential applicants use ASL as their primary language, and/or are non-native English speakers, so we suggest any language consumers must agree to should be as simply stated as possible.

79. Should programs be required to verify on a regular basis that the equipment continues to reside in the recipient's possession? Would a requirement for such verification be burdensome or impractical, given the rapid evolution of technology, which frequently requires equipment to be upgraded or replaced on a regular basis, such as every few years?

Response:

We believe that the expected life of the equipment distributed by the program may be as little as three years. A requirement for regular verification that the equipment is in the recipient's possession would be burdensome and impractical, given the rapid evolution of technology, which frequently requires equipment to be upgraded or replaced on a regular basis. We suggest certified programs include language in the consumer application that specifies consumers' responsibilities to safeguard equipment.

D. Installation and Training

81. We propose to continue to permit reimbursement for the reasonable costs of equipment installation, consumer training, and travel by trainers and support services, such as qualified interpreters. Commenters overwhelmingly support the continuation of reimbursement for these costs, as needed to ensure that distributed equipment will be used effectively. Many commenters also emphasize that installation and training is often most effective when done in the location where the technology will be used. Based on these assertions, the reimbursement of reasonable costs for equipment installation and individualized training, including reasonable travel costs for trainers and support services, appear to be essential to the efficient and effective distribution of equipment to people who are deaf-blind. We seek comment on our proposal to continue providing compensation for these costs. We also seek comment on how we can ensure that installation and training conducted under the permanent program is cost effective or how we can improve the cost effectiveness of such installation and training.

Response:

We agree that the FCC should continue to permit reimbursement for the reasonable costs of equipment installation, consumer training, and travel by trainers and support services, such as qualified interpreters and that installation and training are essential to the efficient and effective distribution of equipment to people who are deaf-blind. We believe that the greatest barrier to provision of these services in the most cost effective manner is the lack of qualified trainers. Because there are so few trainers in some areas they have to travel great distances to reach the consumer. The Commission's proposal to fund train the trainer will help address this issue (reference par. 85).

82. The record shows that, in some instances, it is preferable for consumers to travel to a location away from their homes to get their equipment installed or to receive training. For example, there are situations in which having a state program's personnel travel to the consumer's home may not be possible due to the scarcity of skilled trainers or other support service personnel in the consumer's home town. Most commenters support reimbursement for consumer travel for installation and training. A few of these parties explain that enabling consumers to travel to another location will allow them to train with peers and receive training more promptly. Additionally, many commenters note that consumer travel for training can be cost effective because it can save staff time, avoid staff lodging expenses, and permit group training of several individuals at the same time.

83. For these reasons, it appears that reimbursing the reasonable costs of consumer travel and their support service providers, when needed and appropriate, can benefit both consumers and certified programs. At the same time, because of the limited funding available under the NDBEDP – as holds true for allowing consumer travel needed for assessments – we are hesitant to allow such compensation without the careful review and prior approval of a certified program. We therefore propose that a consumer's travel costs be reimbursed only if those costs are first pre-approved by the consumer's certified program,

which should occur only after a determination by the program that the reasonable costs of this travel would be more efficient and effective than in-home installation and training. We seek comment on this approach, as well as a proposal that pre-approval not be required – but may be requested – by the NDBEDP Administrator. We also seek comment on specific guidelines certified programs should follow or factors they should consider to make such determinations. For example, how should certified programs weigh possible benefits to a consumer that travels to receive training, against a comparison of program personnel travel versus consumer travel costs? Would allowing reimbursement for consumer travel benefit consumers, for example, by increasing training opportunities for consumers? To what extent would allowing these costs provide consumers with access to more skilled trainers or support services? Should there be a cap on the amount a state program can spend on training-related consumer travel? To what extent should the Commission's rules define the permissible costs that would be considered reasonable for such travel, and what costs should be considered "reasonable"? Are there other federal programs that are instructive with respect to addressing similar travel costs? Would consumers need to travel on more than one day for training and, if so, why? What is the average distance and duration for consumers to travel to the training location? To the extent that training needs to occur over a series of days, or the travel distance is considerable (even within the same state), should the costs of lodging and or meals be covered, or just the costs of transportation? We request certified programs to share any information they may have on the extent to which consumers have traveled to another location at their own expense, the extent to which state programs presently reimburse consumers for these costs, and to what extent they expect consumers are likely to need such travel in the future. Are state programs able to estimate projected costs for future consumer travel if our proposal to permit these costs is adopted? Are any of these expenses able to be reimbursed by other federal programs? We seek comment on these and any other matters related to the need for and appropriateness of reimbursing state programs for consumers' travel expenses relating to installation and training.

Response:

We believe that part of the function of the national database should be to assist certified programs in managing requests for services, as such, any training request and concomitant travel needed either by the trainer or the consumer would be approved by the certified program before services are delivered. A distinction should be made between mobile and fixed equipment. Fixed equipment, e.g., computers, scanners, etc. would need to be installed in the place where they will be used, most often the consumer's residence. Mobile equipment can be configured and installed anywhere. So it is conceivable that a trainer may travel to install equipment and a consumer could then travel to a different location for training.

As long as costs are reasonable, we believe that consumers should be given a choice whether to receive training in their homes or to go to a center for training. Certified programs should help the consumer understand the benefits and limitations of each option. It is likely that there will be limited savings if any in providing group instruction since each person who is deaf-blind will require 1:1 communication support. There may be other benefits including learning strategies and tips from peers.

If travel for the consumer requires overnight or several nights' accommodation, we think that reasonable costs related to consumer lodging and food should be reimbursable.

84. Most commenters did not distinguish between in-state and out-of-state travel when commenting on reimbursement for consumer travel for training. We seek comment on the reasons that a consumer may need to travel out-of-state for training, and the number of consumers who already do so or would do so, if reimbursement were allowed. Because the costs of traveling greater distances are likely to be higher than for in-state travel, should certified programs be required to seek pre-approval from the NDBEDP Administrator for out-of-state travel for training to ensure that the costs are reasonable? We seek comment on these and any other matters related to the need for and appropriateness of having the NDBEDP reimburse state programs for the out-of-state travel expenses of consumers relating to training.

Response:

As noted in par. 83, in the national database all training requests would be approved before services are delivered. We note it may require fewer miles and less time for consumers to travel out of state for resources, e.g., in large states where proximity to a neighboring state may make it may be easier and more cost-effective than in-state travel. In instances where the certified program has questions about the reasonableness of travel costs, seeking pre-approval from the NDBEDP Administrator makes sense.

E. Training Trainers

86. Based on comments received on the record thus far, we propose to authorize up to 2.5% of the \$10 million annual funding allocation (\$250,000) for each of the first three years of the permanent program to support train-the-trainer programs, including the reasonable costs of travel for such training, and we seek comment on this proposal. In the *NDBEDP Pilot Program Order*, the Commission concluded that without training on the use of the equipment they receive, recipients will not be able to effectively benefit from this program, and the equipment will be underutilized or abandoned. We continue to believe that training individuals who are deaf-blind how to use the equipment they receive under the NDBEDP promotes access to communication and furthers the purposes of the CVAA. Several commenters responding to the *Permanent NDBEDP PN* confirm the critical importance of having sufficient numbers of qualified trainers, but note that the current number of qualified trainers is inadequate. For example, Perkins states that trainers have had to be imported from one state to another “to cope with the critical shortage.” Both organizational and individual commenters assert that the lack of qualified trainers harms equipment recipients because it results in having to limit the amount, timeliness, and quality of training that these consumers can receive. AADB further reports that consumers commonly complain that trainers and interpreters lack adequate communication skills and that many trainers “have the skill and experience for one type of equipment but not for the others,” preventing consumers from reaping the full benefits of the program. For these and related reasons, nearly all commenters urge that some funding be provided for train-the-trainer services as part of the permanent

NDBEDP, and two commenters note successes in the train-the-trainer activities in which they have been engaged. Our proposal to fund efforts to train trainers seeks to respond to the concerns raised and to build upon these successes achieved to date.

87. As noted above, the *Permanent NDBEDP PN* sought comment on our authority to use NDBEDP funding support for train-the-trainer programs. Only one commenter, DBCA, offered a view on this matter, concluding that the Commission has such authority to fund such programs to “promote equal access to communication” and meet the purposes of the CVAA. We note that one of the purposes of the CVAA, as stated in its legislative reports, is “to help ensure that individuals with disabilities are able to fully utilize communications services and equipment.” To give full effect and meaning to this purpose, and in particular to the mandate contained in section 105 of the CVAA (that added section 719 to the Act), directing the Commission to address the unmet communications access needs of persons who are deaf-blind through a national equipment distribution program, the Commission has allowed some of the funding support provided for this program to be used for assessments, equipment installation, and consumer training. Though these services are not part of the act of distributing equipment *per se*, in the *NDBEDP Pilot Program Order* the Commission found their financial support necessary because they “are essential to the efficient and effective distribution of equipment for use by people who are deaf-blind.” Similarly, because equipment training cannot be achieved in the absence of qualified personnel to conduct such training, it would appear that the Commission can use its “authority to financially support programs that distribute specialized customer premises equipment to low-income individuals who are deaf-blind” by mitigating the current shortage of qualified training personnel through the allocation of funding for this purpose. We seek comment on the Commission’s use of its authority under section 719 of the Act for such purpose. Is such financial support necessary to give full effect and meaning to the CVAA’s objectives and to achieve the purpose of section 719?

Response:

It seems reasonable use of the Commission’s authority under section 719 of the Act to “financially support programs that distribute specialized customer premises equipment to low-income individuals who are deaf-blind” to mitigate the current shortage of qualified training personnel through the allocation of funding to train trainers. We believe such financial support is necessary to give full effect and meaning to the CVAA’s objectives and to achieve the purpose of section 719.

88. During the pilot program, HKNC established a train-the-trainer program using a grant from a private foundation. Some commenters report that certified programs are already using HKNC’s train-the-trainer programs, but that not every entity can afford it. Are additional funds available from public or private sources other than the NDBEDP for this purpose? Besides HKNC, are any other entities offering train-the-trainer programs to more than one certified program? Do such entities provide individual training, group training, and distance training through online resources, or other forms of training? Approximately how often do these

programs provide training seminars or sessions? What is the cost to certified programs to attend training sessions or access training materials?

Response:

We have occasionally had consumers who received skilled training by alternate means. There have been instances when the program provided an assessment and equipment to a student for use at home, but the training was provided by the teacher who was knowledgeable about the equipment and was more familiar with the student. In those instances, the student benefited from working with someone they were already familiar with, and vice versa.

In other instances, the program has provided equipment to consumers who were able to be trained with vocational rehabilitation funding while receiving services at The Helen Keller National Center (HKNC).

89. We believe \$250,000 to be reasonable and sufficient for train-the-trainer programs, and seek comment on whether this amount is appropriate as an initial step. Some commenters urge that train-the-trainer activities not be funded to the detriment of funding for the distribution of equipment and the provision of related services, such as assessment, installation, and training of consumers. We propose addressing these concerns by re-allocating a portion of funding previously used for national outreach, which we explain above is less needed now than it was at the start of the pilot program. Moreover, we note that one commenter suggests that increasing the total number of qualified trainers nationwide may result in a reduction in overall program costs because the small number of currently available trainers would no longer have to travel to multiple states to provide training. We seek comment on whether this assumption is correct. In other words, to what extent can savings achieved in program travel costs offset some of the additional costs resulting from train-the-trainer programs? We also seek comment on whether capping the annual funding at 2.5% of NDBEDP funding is advisable to preserve remaining funds for other program activities related directly to the distribution of consumer equipment. We seek comment on any other matters related to the amount of funding that should be set aside to train trainers under the permanent program.

Response:

The Commission should establish metrics to evaluate the success of the train-the-trainer efforts. For example, in states where there is a shortage or in states where trainers are only available in specific geographic areas, it may mean taking a baseline measure of the number of trainers available and seeking a percentage increase. In areas where trainers lack expertise on certain equipment, it may mean providing targeted training and monitoring certified program's use of and satisfaction with trained trainers.

We think capping the annual funding at 2.5% of NDBEDP funding is advisable to preserve remaining funds for other program activities related directly to the distribution of consumer equipment.

90. Commenters vary in the amount of time that they believe is necessary for training trainers, with some commenters favoring ongoing training and others recommending that funding be restricted to a set period of time. We seek comment on whether providing funding support for the first three years of the permanent program will be sufficient to accomplish the desired objectives. If we move forward with this approach, should we conduct an assessment during the third year to determine whether and to what extent to continue such funding support beyond this period? Will two years be sufficient to gather the data necessary to make this determination during the third year? If we take this approach, we seek comment on how we should, in the third year, evaluate the efficacy of train-the-trainer programs for this purpose.

Response:

We believe train-the-trainer should be a reimbursable expense on an ongoing basis, in order to address normal course of attrition, and to allow for training of inevitable changes in technology.

91. *State Allocations for Train-the-Trainer Programs.* Next, we seek comment on how NDBEDP support can be used to teach individuals how to train NDBEDP equipment recipients on the use of their equipment. In this regard, we propose to allow certified programs to use a portion of their NDBEDP funding allocations for train-the-trainer activities as they deem appropriate. For example, under this approach, each certified program could use approximately 2.5% of its annual allocation, or a maximum of \$250,000 annually for all certified programs, for train-the-trainer activities. We seek comment on this proposal. Should these train-the-trainer expenditures be treated as an administrative cost and, if so, should we raise the cap on administrative costs from 15% by 2.5% to 17.5% for that purpose, rather than require separate accounting for train-the-trainer activities? Should we permit such reimbursement for enrolling personnel in a train-the-trainer activity conducted by HKNC or another entity, as well as for train-the-trainer activities that the certified program may develop and conduct? If the \$250,000 is allocated solely to and used by certified programs for training purposes, would that influx of money to existing training programs, such as the one operated by HKNC, be sufficient to motivate the development of new training activities? Should we prohibit reimbursement for training that is provided by equipment manufacturers or vendors because of the risk of having certified programs favor these manufacturers or vendors in their selection of equipment?

Response:

We support the Commission's decision to allow certified programs to use a portion of their NDBEDP funding allocations, up to 2.5%, for train-the-trainer activities as the programs deem appropriate. The Commission should permit such reimbursement for enrolling personnel in a train-the-trainer activity conducted by the Helen Keller National Center or another entity, as well as for train-the-trainer activities that the certified program may develop and conduct. The Commission should also permit such reimbursement for on-the-job training, e.g., when an experienced trainer accompanies an experienced one to training sessions. We think this can be a cost-effective training

methodology. Certified programs that deem that they have sufficient capacity should be able to use their allocation for direct services to consumers.

We believe there should be separate accounting for train-the-trainer activities, which should not be part of administrative costs.

92. *Nationally Coordinated Train-the-Trainer Program.* Alternatively, a number of commenters urge the Commission to select one or more entities to develop and offer train-the-trainer activities to certified programs nationwide. For example, HKNC recommends having the Commission select one or more entities to develop and disseminate training materials; provide training seminars, including online modules, webinars, and other distance learning options; provide updates on changes in technology; create processes for screening and evaluating trainers; and coordinate the sharing of resources. We seek comment on whether to establish or coordinate a train-the-trainer program at the national level, including the costs and benefits of having one or more entities provide train-the-trainer activities similar to those offered by HKNC. If we adopt this approach, we seek comment generally on how to use such funding. For example, should the \$250,000 be allocated to one or more entities to cover the costs a training program nationwide? Should the amount of training provided to each certified program be equal across every state? Or should it depend on population size, the current number of trainers in a state or region, or some other criteria? Alternatively, should states be able to obtain training for their personnel in an amount that is proportional to their program's NDBEDP annual funding allocation? Should the funding provided cover the cost of individual participation in the train-the-trainer programs, including the reasonable costs of travel? Approximately how many hours of training can be delivered to how many personnel with a set-aside of \$250,000?

Response:

We believe that certified programs are in the best position to plan for and secure the training needed for their states.

93. If the Commission establishes or coordinates a train-the-trainer program at the national level, the Commission will consider a variety of approaches to satisfy the requirements for the program including using existing Commission staff and resources, engaging another agency with expertise in this area through an Interagency agreement, acquiring these services through a competitive procurement, evaluating whether to modify a contract with an existing contractor to satisfy the program requirements – either through direct performance by the main contractor or a subcontractor. The Commission may also wish to invite entities, via a public notice, to submit applications to establish or coordinate a train-the-trainer program. The Commission will consider using a combination of any of these in-house, regulatory, or procurement strategies where efficient and lawful to do so.

94. If the Commission establishes or coordinates a train-the-trainer program, what are the essential criteria for the staff and/or entity selected to perform the role? HKNC recommends that the following criteria are essential: experience with the target population; familiarity with Braille and Braille devices; familiarity with emerging communications technologies and end user equipment; staff who are skilled in ASL as well as other communication methodologies; and a track record of multi-modal training and ability to maintain pace with the technology. Are these criteria appropriate and sufficient to make such selection? If not, what other criteria should the Commission use?

Response:

We do not favor a national train-the-trainer program (ref. par. 91 and 92).

95. Regardless of whether we support a nationally coordinated train-the-trainer program or allocate funds to certified programs for train-the-trainer activities, or some combination of both, should we require or permit training in a variety of formats, such as individual training, group training, and distance training through online resources? Should NDBEDP funding be used for that purpose? Should national or state entities providing training be required to establish a system for evaluating the outcomes of the training? The LightHouse reports that California has eight trainers who are blind, deaf, or deaf-blind, and IUB suggests that NDBEDP equipment recipients could become trainers for other equipment recipients. Based on these assertions, it appears that train-the-trainer activities could ultimately lead to the increased employment of individuals with disabilities. Are there actions that the Commission could take to promote such efforts? Should we encourage either national or state entities to train individuals who are deaf-blind, including NDBEDP equipment recipients, as trainers? We invite commenters to share other thoughts they may have on how best to establish and support train-the-trainer activities for the permanent NDBEDP.

Response:

We believe that the Commission should permit training in a variety of formats, such as individual training, group training, and distance training through online resources. Certified programs should have the flexibility to provide training in the format they deem to be the most appropriate. Certified programs should evaluate the effectiveness of training based upon the impact it has on that program's ability to provide services to eligible consumers, ref. par. 89.

We appreciate the value of having people who are deaf-blind serve as assessors and trainers for the program. Certified programs should make every effort to employ qualified deaf-blind individuals as trainers and offer them access to a reasonable amount of training within the program's train-the-trainer allocation.

VI. FUNDING

A. Allocation of Funding

97. We generally propose to maintain the current mechanism for allocating NDBEDP funds – setting aside funds first for certain national efforts, allocating a minimum of \$50,000 for each certified program, and allocating the remaining funds to the certified programs in proportion to each state’s population. Most commenters support this allocation system. Some commenters question the current population-based allocation of funds on the grounds that some states might have higher proportions of deaf-blind consumers than others. To the best of our knowledge, however, there is currently no reliable data on the number of people who are deaf-blind in each state. Further, our experience with the program has shown that most states have had sufficient funds allocated to them annually to meet their residents’ needs and, where they have not, they have had an opportunity to obtain additional funding through reallocation. More specifically, as discussed below, under the pilot program, the Bureau has had the authority to reduce, raise, or reallocate funding allocations to any certified program as it may deem necessary and appropriate. We invite comment on our proposal to maintain the current allocation mechanism.

Response:

We support the Bureau’s proposal to maintain the current mechanism for allocating NDBEDP funds – setting aside funds first for certain national efforts, allocating a minimum of \$50,000 for each certified program, and allocating the remaining funds to the certified programs in proportion to each state’s population. We note that extending the program to the U.S. territories of American Samoa, Guam, and the Northern Mariana Islands will result in a reduction of the allocation to the other 53 certified programs (ref. par.12).

B. Reallocation of Funding

100. During the first year of the pilot program, few entities reached or exceeded their annual allocation of funds. Only three entities requested and received additional funds. In the first half of the second year of the pilot program, the NDBEDP Administrator approved several requests for reallocations of funds from one certified entity to another (“voluntary” reallocations). During the third quarter of the second year, after notice, the NDBEDP Administrator reduced the allocations of certified programs that had not used at least half of their annual allocation and reallocated those funds to satisfy requests from certified programs that reached or exceeded their annual allocations (“involuntary” reallocations). Specifically, the formula currently used by the NDBEDP Administrator reduces by 50% the allocations of programs that have spent less than 25% during the first half of the year, and reduces by 25% the allocations of programs that have spent more than 25% but less than 50% during the first half of the year. Certified programs have an opportunity to request that the NDBEDP Administrator consider increasing or reducing the proposed change in allocation. We seek comment on this method and formula, or any alternative methods or formulas for making involuntary reallocations in the permanent NDBEDP. Commenters that suggest alternatives should explain how these would lead to effective results for the

intended community and how such standards would add to the efficiency of the program. Most commenters agree that we should continue to authorize the reallocation of funds between programs, as deemed necessary and appropriate by the NDBEDP Administrator to maximize the use of available funding. Based on these comments and the Commission's experience during the pilot program, we tentatively conclude that these reallocations have helped requesting programs meet their needs and have not prevented programs with decreased funding from satisfying the needs of their constituents. IPAT states, for example, that the reduction in its allocation did not hinder its distribution of equipment and it supports such reallocations in the future, as long as they are "based on current funding data, and used for the purpose of maximizing the use of available funding."

Response:

We agree that the Commission should continue to authorize the reallocation of funds between programs, as deemed necessary and appropriate by the NDBEDP Administrator to maximize the use of available funding.

101. Some commenters request that reallocations be made earlier during the program's Fund year to minimize gaps in service. We recognize this concern, but we note that it is not until approximately one month after the second quarter of the Fund year ends that the Bureau has the requisite data from all certified programs to determine whether and to what extent involuntary funding reallocations may be appropriate. Accordingly, we propose to allow voluntary reallocations between certified programs at any time during the Fund year with the approval of the NDBEDP Administrator, in consultation with the TRS Fund Administrator, as needed. We also propose to continue making involuntary reallocations as necessary when individual program performance indicates that NDBEDP funds could be more fully utilized by other certified programs. Further, we propose to continue our current practice of notifying and coordinating with the potentially impacted certified programs prior to making involuntary reallocations of funding. We seek comment on these reallocation proposals.

Response:

We support the Commission's proposal to allow voluntary reallocations between certified programs at any time during the Fund year with the approval of the NDBEDP Administrator, in consultation with the TRS Fund Administrator, as needed. We also support the proposal to continue making involuntary reallocations as necessary when individual program performance indicates that NDBEDP funds could be more fully utilized by other certified programs. We suggest the Commission continue the practice of notifying and coordinating with the potentially impacted certified programs prior to making involuntary reallocations of funding.

C. Reimbursement Mechanism

103. Various commenters assert that reimbursing programs for their expenses, rather than providing payment in advance, is more likely to keep certified programs accountable and to deter fraud, waste, and abuse. IUB recommends against advancing funds because, in addition to the challenges of returning unspent funds, it believes such a system would result in more complicated recordkeeping and increased opportunities for fraud, waste, and abuse. Both IUB and ATI also note that a system that advances funds would make reallocating funds during the year difficult. For all of these reasons, we propose to continue using the present reimbursement mechanism to fund equipment distribution and related services under the permanent NDBEDP. We further propose that the current requirement for certified programs to support their reimbursement claims with documentation, a reasonably detailed explanation of incurred costs, and a declaration be carried into the permanent program. We seek comment on these proposals, and other guidelines that may be needed with respect to the submission and processing of reimbursement claims to ensure that certified programs operate in a cost-efficient manner and maintain the financial integrity of the program. As discussed above, we propose to permit each certified program to populate a centralized database with claim-related data, from which it may generate its reimbursement claims. Most commenters agree that, if a program submits its requests for reimbursement in such a uniform manner, timely reimbursement is more likely.

Response:

We support the Commission's proposal to continue using the present reimbursement mechanism to fund equipment distribution and related services in the permanent NDBEDP and to maintain the current requirement for certified programs to support their reimbursement claims with documentation, a reasonably detailed explanation of incurred costs, and a declaration. As referenced in par. 31, we question whether or not scanning supporting documentation into the national database will save any time or effort on the part of the certified programs.

104. We received little comment on whether to continue to allow programs to submit claims monthly, quarterly, or semi-annually, as currently permitted under the NDBEDP pilot program. At present, 10 certified programs submit claims monthly, 36 programs submit claims quarterly, and seven programs submit claims semi-annually. To continue meeting the individualized needs of these programs, we propose to continue allowing certified entities to elect, upon certification and at the beginning of each Fund year, whether to submit claims on a monthly, quarterly, or semi-annual basis and to require submission within 30 days after each elected period. The TRS Fund Administrator recommends that certified programs be required to submit monthly claims and to request a waiver to submit claims less frequently. While a monthly schedule may "benefit active certified entities and result in better cash flow to the certified entities," only 10 programs have elected to submit claims monthly, with the other 43 programs opting for quarterly or semi-annual schedules. We seek comment on the reasons that these 43 programs have not elected to submit claims on a monthly basis and whether all programs should be required to begin filing monthly, for example, for the sake of

program consistency. Alternatively, is each certified program best suited to determine the frequency with which it needs to be reimbursed? We seek comment on the advantages and disadvantages of maintaining the current practice or whether we should revise our rules to require all programs to adhere to a single schedule for filing reimbursement claims. In particular we ask parties to comment on the extent to which a requirement to follow a single filing schedule would be more efficient or impose difficulties on programs with limited resources.

Response:

We support the Commission's proposal to continue allowing certified entities to elect, upon certification and at the beginning of each Fund year, whether to submit claims on a monthly, quarterly, or semi-annual basis and to require submission within 30 days after each elected period. We believe that each certified program is best suited to determine the frequency with which it needs to be reimbursed. Requiring certified entities to submit on a monthly basis might provide hardships for some entities due to the very detailed reimbursement claim process.

D. Administrative Costs

106. To track and ensure that appropriate administrative costs are reimbursed, the TRS Fund Administrator has procedures to "bank" reimbursement claims for administrative costs that exceed 15% of reimbursable costs and to pay those claims later if the amount of reimbursable costs increases with later submissions. Generally, commenters oppose tying the cap on allowable administrative expenses to a certified program's reimbursed costs for equipment and related services. These parties urge a change in the Commission's rules to base the cap on annual allocations, claiming that such approach would not act as a disincentive to distributing equipment. For example, Perkins suggests that the cap on administrative costs be based on annual allocations and distributed quarterly, and recommends that the FCC withhold payments in the third or fourth quarters to an underperforming program or de-certify a program that fails to spend its allocation. Similarly, ACB urges the Commission to allow all administrative costs to be reimbursed, unless a program fails to provide equipment or services. Given the general accomplishments of the 53 certified programs in distributing communications equipment to their deaf-blind residents, we are no longer concerned that basing the cap of administrative costs on the full funding allocation for each certified program will eliminate the necessary incentives to carry out the NDBEDP's objectives. Accordingly, we propose to reimburse administrative costs as they are incurred and claimed, based on the annual allocation rather than the amount of reimbursable costs, thereby eliminating the need for the TRS Fund Administrator to "bank" unearned administrative costs. We seek comment on that proposal.

Response:

We ask the Commission to consider the ramifications if a certified program claimed and received reimbursement for the full 15% of their annual allocation and then had that allocation reduced due to involuntary reallocations. We recommend that the Commission retain its current process, as this would protect both the Commission and the certified programs from getting into financial difficulty.

107. We further acknowledge that some programs have reported operating at a loss as a result of the 15% cap on administrative expenses, and recognize that this could potentially act as a disincentive to participate in the NDBEDP. During the second year of the pilot program, certified programs that exceeded the 15% cap had about 3% more administrative costs than were allowed by the cap. To respond to these concerns, rather than raise the cap by the 3% needed to cover those overages, we believe that our proposal to create a centralized database for certified programs to generate reports and reimbursement claims, may alleviate the administrative burdens for certified programs operating in the permanent NDBEDP. If adopted, certified programs that have been incurring costs associated with the use of a database, such as the Perkins database, would no longer need to do so, nor have those costs assessed against their 15% cap on administrative costs. Other programs that have expended funds to develop databases on their own to generate reports and reimbursement claims may also similarly experience a reduction in the costs associated with these tasks. We seek comment on this proposal and, in particular, ask whether it will help to meet the financial needs of certified programs, particularly programs that have found the 15% cap on administrative costs to be a barrier to their effective participation in the NDBEDP. We also seek comment on whether our proposal regarding administrative costs, including the types of costs included in this category of expenses, is consistent with other similar programs. Similarly, we seek comment on whether there are any best practices that should be employed in this area.

Response:

We support this proposal and concur that the national database may result in cost savings to certified programs.

VII. OVERSIGHT AND REPORTING

A. Reporting

109. We propose to retain the six-month reporting requirement, which commenters generally support. During the pilot program, it has been useful for the Commission to gather the required information to effectively evaluate NDBEDP operations. We believe that continuing to receive this data will be useful to the permanent program as well, because, as noted by several commenters, this will allow the Commission to ensure that NDBEDP certified programs continue to operate efficiently and that they effectively meet consumer needs. As discussed above, we propose to require certified programs to submit report-related data to and generate reports from a centralized database, which will enable the

Commission to examine the data from all certified programs in the aggregate. With all program data bundled together in a uniform report generated by the database, we believe that the Commission will be better able to assess and manage the NDBEDP. Commenters also note benefits that may be realized for state programs if we adopt a requirement for a centralized database. For example, ATI suggests that a centralized database should ensure reporting and reimbursement systems are linked together, which could streamline the information required for reimbursement claims and reporting obligations by removing duplicate or redundant data sets.

110. We invite comment on our proposal to retain the reporting requirement. We note that not all commenters agree on the extent to which the substance of the reporting requirements should be retained, and thus seek comment on whether we should modify the information these reports should include. In particular, are there differences in the pilot and permanent programs that should cause us to change the nature of the data required by these reporting obligations? We also seek comment on ways that the provision of data required for reimbursement claims and reporting requirements can be streamlined through the design of a centralized database or by other means. For example, one commenter suggests that state programs be permitted to submit reports at the same frequency as reimbursement claims to streamline these requirements further. We seek comment on this proposal, as well as the advantages or disadvantages of allowing certified programs to submit reimbursement claims and reports on a monthly, quarterly, or biannual basis. Should the reporting period be the same for all certified programs to ensure consistency of data? If so, what should that period be? Alternatively, now that we are transitioning the NDBEDP to a permanent program, would it serve the program just as well if submission of the reports were required annually instead of every six months?

Response:

We're in support of maintaining the current frequency of every six months for all certified programs.

111. Under the NDBEDP pilot program, the Commission requires certified programs to submit a certification with each report executed by “the chief executive officer, chief financial officer, or other senior executive of the certified program, such as a director or manager, with first-hand knowledge of the accuracy and completeness of the information provided in the report,” as follows:

I swear under penalty of perjury that I am (name and title), an officer of the above-named reporting entity, and that I have examined the foregoing reports and that all requested information has been provided and all statements of fact are true and an accurate statement of the affairs of the above-named certified program.

112. Consistent with the Commission’s Universal Service low-income program rules, and to clarify what “affairs” means in this context, we propose to amend the certification as follows:

I swear under penalty of perjury that I am (name and title), an officer of the above-named reporting entity, and that the entity has policies and procedures in place to ensure that recipients satisfy the NDBEDP eligibility requirements, that the entity is in compliance with the Commission's NDBEDP rules, that I have examined the foregoing reports and that all requested information has been provided, and all statements of fact are true and an accurate statement of the business activities conducted pursuant to the NDBEDP by the above-named certified program.

We invite feedback on this and any other matters pertaining to the reporting obligations not discussed above, including the costs and benefits of retaining these requirements.

Response:

We agree.

B. Audits

114. Several commenters argue that certified programs should continue to perform annual audits for the purposes set forth above. The TRS Fund Administrator, who is responsible for administering funding support for the TRS program, notes "the importance of conducting regular audits to ensure the integrity of the TRS Fund." We agree and propose to continue to require certified programs to engage an independent auditor to perform annual audits. As recommended by the TRS Fund Administrator, we also propose that each certified program submit a copy of its annual audit to the TRS Fund Administrator and the NDBEDP Administrator. We seek comment on these proposals.

Response:

This seems like a reasonable request.

115. Further, we propose to clarify that NDBEDP certified programs are not required to conduct their annual audits using a more rigorous audit standard, such as a forensic standard, specifically designed to prevent and detect fraud, waste, and abuse. We seek comment on our proposal to affirm the following guidance provided by the Bureau in November 2012 to certified programs regarding their annual audit requirement.

For purposes of complying with the NDBEDP audit rule, an independent auditor must conduct a program audit that includes a traditional financial statement audit, as well as an audit of compliance with the NDBEDP rules that have a direct and material impact on NDBEDP expenditures and a review of internal controls established to ensure compliance with the NDBEDP rules.

Compliance areas to be audited include, but are not limited to, allowable costs, participant eligibility, and reporting. The audit report must describe any exceptions found, such as unallowable costs, lack of participant

eligibility documentation, and missing reports. The report also must include the certified program's view as to whether each compliance exception is material and whether any internal control deficiencies are material.

If the auditor finds evidence of fraud, waste, or abuse, the auditor must take appropriate steps to discuss it with the certified program management and the FCC and report the auditor's observations as required under professional auditing standards.

This program audit standard is comparable to that required for Office of Management and Budget (OMB) Circular A-133 audits. We believe that such audits of NDBEDP certified programs, conducted annually by an independent auditor, will detect and prevent fraud, waste, and abuse, which will satisfy the NDBEDP audit rule.

116. Commenters note that the Commission should provide guidance with respect to whether certified programs must comply with OMB Circular A-133 audit requirements. Because the program audit criteria described above are similar to that of an OMB Circular A-133 audit, we propose to require that audits under the permanent NDBEDP be performed in accordance with OMB Circular A-133. We invite comment on this proposal. Commenters that disagree with this proposal are asked to explain why.

Response:

We recommend the Commission clarify to state programs their obligation to file online with any federal agency, which we understand is a criteria of an A-133 audit. Our auditors cited a finding that we did not report sub-awards dollars used in the FCC awards/contracts on the Federal Funding Accountability and Transparency Act (FFATA) website. Upon investigation we found that the Federal Agency or the funding agency, in this case, the FCC, must first report the award(s) it granted to each organization on FFATA Sub-award Reporting Systems website before an agency can report sub-award dollar figures.

117. In addition, we propose to continue to require each program to submit to an audit at any time deemed necessary by the Commission or its delegated authorities. This proposal is consistent with the Commission's TRS rules, which require "TRS providers [to] submit to audits annually or at times deemed appropriate by the Commission, the fund administrator, or by an entity approved by the Commission for such purpose." This approach could also be implemented by performing audits either as needed or on a regular basis at intervals longer than one year. A full audit of an NDBEDP certified entity, as directed by the Commission or a delegated authority may be appropriate, for example, to obtain financial information needed for the FCC's consolidated annual financial audit, which also includes the financial results for the TRS Fund. As another example, a full audit may also be appropriate when the TRS Fund Administrator and the NDBEDP Administrator agree that reimbursement claims submitted by a certified program contain a pattern of errors or indicia reflecting a lack of accountability, fraud, waste, or abuse. We further propose that any program that fails to fully cooperate in such audits, for example, by failing to provide documentation

necessary for verification upon reasonable request, be subject to an automatic suspension of NDBEDP payments until sufficient documentation is provided. We believe that this automatic suspension policy, which is currently applied to the TRS program, would promote transparency and accountability in the compensation process. We seek comment on the costs and benefits of adopting this approach.

Response:

We support the need to perform audits to ensure the fiscal integrity of the program. As is known, paying for audits is an expensive endeavor. The Commission's proposal should include policies that permit certified programs to exceed the 15% administrative costs ceiling for any audit beyond the required annual audit.

118. To further prevent and detect fraud, waste, and abuse, and ensure compliance with the NDBEDP rules, we propose to retain the provision in the pilot program rules requiring certified programs to submit documentation demonstrating ongoing compliance with the Commission's rules. Because the Commission may choose to initiate an investigation at its discretion and on its own motion, we propose to eliminate the example that appears in the pilot program rules from the permanent NDBEDP rules that suggests that "evidence that a state program may not be in compliance with those rules" is a prerequisite to such an investigation. We seek comment on these proposals.

Response:

As explained in our response to question 117, we fully support the need to perform audits to ensure the fiscal integrity of the program. The Commission's proposal should include a policy that permits certified programs to exceed the 15% administrative costs ceiling for any audit beyond the required annual audit.

119. Finally, to further prevent and detect fraud, waste, and abuse, we propose to retain the whistleblower protections in our rules. Those protections require certified programs to permit individuals to disclose to appropriate officials, without reprisal, known or suspected violations of the Commission's rules or any other activity the individual believes to be unlawful, wasteful, fraudulent, or abusive, or that could result in the improper distribution of equipment, provision of services, or billing to the TRS Fund. Certified programs must include these whistleblower protections with the information they provide about the program in any employee handbooks or manuals, on their websites, and in other appropriate publications. We seek comment on this proposal.

Response:

We support the Commission's proposal to retain the whistleblower protections.

C. Record Retention

121. Consistent with the Commission's TRS rules, we propose to require certified programs to retain all records associated with the distribution of equipment and provision of related services under the permanent program for a minimum of five years. We seek comment on this proposal and whether such records should be retained for a longer or shorter period of time. Certified programs need such records to support their reimbursement claims, to generate reports required to be filed with the Commission, and to comply with audit requirements. During the pilot program, we also have found that such records are needed for responding to inquiries and complaints. As such, we also propose that certified programs document compliance with all Commission requirements governing the NDBEDP and provide this documentation to the Commission upon request. Record retention is also necessary in the event that questions arise about a program's compliance with NDBEDP rules or the propriety of requests for payment. We seek comment on this proposal.

Response:

We recommend that the Commission develop a document that lists these requirements, and that can be signed and submitted with each reimbursement request.

122. We believe that records also are needed to transfer information to another certified program when an eligible consumer moves to another state or to transfer information to a newly-certified program when a certified entity either relinquishes its certification or decides not to seek re-certification. Should our rules require NDBEDP applications to include a release that would permit disclosure of information about the applicant by the certified program, as needed, to minimize any interruption in service if such individual moves to another state or a new entity takes over certification for that individual's state? Alternatively, if we adopt a centralized database for processing reimbursement claims or reporting purposes, we seek comment on whether it will continue to be necessary for certified programs to retain a copy of these records. If so, which records should be retained by certified programs and for what period of time? Should we specify that records must be retained in paper or electronic format, or should we allow each certified program to decide the format in which to retain its records? We seek comment on these and any other matters related to the retention of records under the permanent program.

Response:

We agree. As referenced in par. 10, we strongly recommend that the ability to share data with a successor program be mandated as part of the criteria used to evaluate an entity's qualifications for certification. We believe once a consumer permits access to his/her personal data in order to be deemed eligible - and therefore, to receive program services - the permission has been granted and the consumer applications should make explicit that continued eligibility to receive services must include confidential transfer of that information. In the spirit of the Paperwork Reduction Act, we believe electronic record-keeping for this purpose is fine.

VIII. LOGISTICS AND RESPONSIBILITIES

124. Commenters report that they have had good experiences with the current administrators and generally oppose any modifications at this time. We seek comment on whether CGB should continue to implement and administer the permanent NDBEDP, and to retain authority over NDBEDP policy matters and the functions of the NDBEDP Administrator. For example, the Bureau may task the NDBEDP Administrator with oversight of the development and maintenance of a centralized database, as well as the support for train-the-trainer programs that may be authorized under our final rules in this proceeding. We also seek comment on whether the administration of the NDBEDP should be consolidated with the administration of the other TRS programs in order to achieve greater efficiencies and cost savings. We recognize that after adoption of the *NDBEDP Pilot Program Order* in 2011, in 2013, the Commission delegated financial oversight of the TRS Fund to the Office of Managing Director (OMD). Thus, we also seek comment on ensuring that administration of the permanent NDBEDP be conducted in a manner that ensures CGB's continued oversight over policy matters relating to the program while at the same time ensuring that the Commission satisfies its financial management responsibilities for the TRS program as a whole, complies with all Government-wide financial requirements, and achieves efficiencies and savings in the administrative costs of the NDBEDP.

Response:

We agree that CGB should continue to implement and administer the permanent NDBEDP, and to retain authority over NDBEDP policy matters and the functions of the NDBEDP Administrator. The CGB provides an essential qualitative aspect to NDBEDP oversight, in addition to the quantitative oversight the TRS Fund Administrator provides. We believe, and have heard from many other programs, that the NDBEDP Administrator has shown consistently exemplary, fair and reasonable oversight to work with state programs on a balance of policy and operational matters to advance the goals of the program. We unequivocally endorse CGB's leadership on all aspects of the program.

125. For the permanent NDBEDP, like other TRS programs, “financial oversight must be consistent with the TRS Orders, rules, and policies, and OMD should consult with CGB on issues that potentially could impact the availability, provision, and continuity of services to consumers.” Consistent with such direction, we propose that financial oversight of the NDBEDP be required to be consistent with NDBEDP orders, rules, and policies, and that OMD and CGB closely coordinate on any issues that could potentially impact the distribution of equipment or provision of related services to consumers under the NDBEDP. Finally, consistent with the current practice under the NDBEDP pilot program, we propose that the Bureau remain responsible for advising the TRS Fund Administrator on funding allocations and reallocations; payments; and any payment withholdings under the permanent NDBEDP, to the extent that such actions can be made consistently with Government-wide financial requirements and existing contractual obligations and requirements. We seek comment on these proposals.

Response:

We agree that the Bureau should remain responsible for advising the TRS Fund Administrator on funding allocations and reallocations; payments; and any payment withholdings under the permanent NDBEDP, to the extent that such actions can be made consistently with Government-wide financial requirements and existing contractual obligations and requirements.

126. We also seek comment on whether we should establish a process for certified programs to appeal payment withholdings, denials, or suspensions by the NDBEDP Administrator. If so, what should that process be? For example, should a certified program be permitted to appeal such decisions to the Chief of the Consumer and Governmental Affairs Bureau? We note that the Commission presently maintains a process for the handling of appeals in response to the suspension or withholding of TRS payments, and ask commenters whether a similar or alternative appeals process should be applied to compensation withheld, suspended, or denied under the NDBEDP.

Response:

The Commission's process for the handling of appeals in response to the suspension or withholding of TRS payments seems reasonable.

IX. OTHER CONSIDERATIONS

A. Complaints

128. Under the NDBEDP pilot program, the NDBEDP Administrator is responsible for "responding to . . . consumer complaints filed directly with the Commission." In the *NDBEDP Pilot Program Order*, the Commission stated that informal complaints alleging a violation of the Commission's NDBEDP rules may be transmitted to the Commission via any reasonable means, such as by letter, fax, telephone, TTY, or e-mail. Complaints might be filed for various reasons. For example, AADB reports that consumers sometimes complain that trainers and interpreters lack adequate communication skills and that many trainers lack the skills needed for consumers to reap the full benefits of the program. In addition, an applicant may want to appeal a certified program's determination that he or she is not eligible for the program or a program's denial of equipment, training, or other related services. We propose to adopt rules for the permanent NDBEDP to facilitate the receipt and processing of such consumer complaints and appeals.

129. For this purpose, we propose to adopt informal and formal complaint procedures, modeled after the Commission's processes for the handling of complaints against telecommunications and TRS providers, as follows. First, we propose that an informal complaint filed with the Commission must include the name and contact information of the complainant; the name of the NDBEDP certified program; a statement describing how the NDBEDP certified program

violated the Commission's rules; what the complainant wants the NDBEDP certified program to do to resolve the complaint; and the complainant's preferred format or method of response, such as by letter, fax, telephone, TTY, or e-mail. The Commission will forward complete complaints to the NDBEDP certified program for a response. When it appears that an informal complaint has been resolved, the Commission may consider the matter closed. In all other cases, the Commission will inform the complainant and the NDBEDP certified program about its review and disposition of the complaint. If a complainant is not satisfied with the NDBEDP certified program's response and the Commission's disposition of the informal complaint, the complainant may file a formal complaint with the Commission in accordance with the Commission's rules for filing formal complaints. The Commission may also conduct inquiries and hold proceedings that it deems necessary to enforce the NDBEDP requirements. We seek comment on these proposed informal and formal complaint procedures.

Response:

The proposed processes seem reasonable.

B. Research and Development

131. In response to the *Permanent NDBEDP PN*, Inclusive Technologies submitted comments on the need for R&D on advanced technologies that will benefit people who are deaf-blind. It urges the Commission to "support a certain amount of research intended to identify as early as possible technological trends and potential breakthroughs that could have an effect on the program's capabilities." To this end, Inclusive Technologies suggests that the Commission monitor trends in: (1) mobile devices, services, and apps; (2) emerging technologies; and (3) mainstream technologies to determine how changes to these technologies may affect consumers who are deaf-blind and make these technologies more suitable for use in the program. However, because the amount of NDBEDP funding available each year is very limited, and because the potential gaps between existing technology and technology needed to meet the communications needs of individuals who are deaf-blind are not apparent on the record at this time, we tentatively conclude that funding is more appropriately allocated to the distribution of equipment to consumers and related services than to R&D and seek comment on this tentative conclusion.

Response:

We agree that funding is more appropriately allocated to the distribution of equipment to consumers and related services than to R&D.

C. Advisory Group

133. The Commission recently announced the formation of a Disability Advisory Committee, which will provide advice and recommendations to the Commission on a wide array of disability matters, including the NDBEDP. In addition, the Commission's rulemaking proceedings are open to the public for comment, and feedback from administrators of certified programs is always welcome. For example, during the NDBEDP pilot program, the sharing of expertise and ideas for the NDBEDP has been accomplished through informal monthly conference calls among certified programs that we propose to continue under the permanent program. For these reasons, we do not see the need to establish a separate workgroup of state NDBEDP programs to advise the Commission at this time. We seek comment on this approach.

Response:

We agree.